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Circular No. 1102.

REGULATIONS GOVERNING SURVEY OF UNSURVEYED LANDS APPLIED FOR
UNDER THE PROVISIONS OF THE ACT OF FEBRUARY 25, 1920 (41 STAT.,
437), RELATING TO THE LEASING OF LANDS CONTAINING VALUABLE
DEPOSITS OF PHOSPHATES, OIL OR GAS, OIL SHALE OR SODIUM.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 18, 1926.

U. S. Supervisor of Surveys,

Registers, U. S. Land Offices.

Gentlemen:

Under the provisions of section 10 of the act of February 25, 1920 (41 Stat., 440), relating to the leasing of public lands containing deposits of phosphates, of section 14 of said act relating to the leasing of lands embraced in any prospecting permit therefor upon which valuable deposits of oil or gas have been discovered, of section 21 of said act relating to the leasing of lands containing deposits of oil shale or land adjacent thereto, and of section 24 of said act, relating to the leasing of lands embraced in any prospecting permit therefor upon which valuable deposits of sodium have been discovered, it is provided that in case the lands in question are unsurveyed, they shall be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior.

In order that uniform procedure may be established in case of application for lease of unsurveyed lands under the provisions of any of the above-enumerated sections of said act the following regulations will be observed:

When the application for lease shall have received favorable consideration by the Department, the applicant will be required to file with the District Cadastral Engineer of the Public Survey Office of the State or district in which the lands are situated an application for an estimate of the cost of surveying the sections in which the claim will probably be located and upon receipt of such estimate, the applicant will be required to deposit with such cadastral engineer the estimated cost of surveying such sections, the deposit to be held as a trust fund. Upon receipt of such deposit, the District Cadastral Engineer shall prepare and submit to the General Land Office for approval special instructions providing for the subdivision of the township in its entirety in which the claim is located, the expense of the field work to be paid from the regular appropriation for surveying the public lands.

(over)

When the survey is accepted and the plat filed in the local land office, the claim will be adjusted to the resulting subdivisions as shown upon said plat. The cost of surveying the particular lands included within the claim thus adjusted will be ascertained by prorating the total cost of surveying the township to the area thereof. The amount thus ascertained will be deducted from the claimant's deposit and credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor or his legal representative.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: November 18, 1926.

E. C. FINNEY,

First Assistant Secretary.

See Circ 1840
Circular No. 1111
Amended by 90
Circ 1316 1352

BONDS UNDER OIL AND GAS PROSPECTING PERMITS—SECTION 4(h), CIRCULAR NO 672, MODIFIED—DRILLING BONDS, AND CIRCULAR NO. 754 REVOKED

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, February 21, 1927.

Registers, United States Land Offices.

SIRS: Hereafter applicants for oil and gas prospecting permits under the act of February 25, 1920 (41 Stat. 437), will not be required to furnish the bond at the time of filing of the application for the permit, conditioned against failure of the permittee to repair damage to the oil strata or deposits resulting from improper methods of operation, as provided by section 4(h) of Circular No. 672 (47 L. D. 437) and Circular No. 754. Such applicants, however, will be required, prior to the issuance of permit, to furnish bond in the sum of \$1,000, or such other amount as may be fixed, in special cases where a permit application embraces reserved deposits in lands theretofore entered or patented with reservation of the oil and gas to the United States, together with the right to prospect for, mine, and remove the same pursuant to the act of July 17, 1914 (38 Stat. 509), or where the lands constitute a portion of a reclamation project, or are included in a reclamation homestead entry.

Before a permittee, or any one claiming through or under him, shall begin drilling a test well or wells upon the land embraced in an oil and gas permit, he shall give notice to the supervisor of oil and gas operations, Geological Survey, of the district in which the land is situated of his intention to drill, submitting his drilling plan for approval, together with a bond, with qualified corporate surety, in the sum of \$5,000 conditioned against failure, (a) to carry on all operations in accordance with approved methods and practice and in conformity with the operating regulations to the satisfaction of said supervisor; (b) to carry out, at the expense of the permittee, all reasonable orders of the Secretary of the Interior, or his authorized representatives; (c) to take all reasonable precautions to prevent waste of oil or gas, damage to formation or deposits, injury to life or property, or economic waste; and (d) to repair promptly, so far as possible, any damage to mineral deposits or mineral-bearing formations resulting from his operations.

The notice of intention to drill and drilling plan must be furnished in triplicate. Blank forms of such notice and bond can be obtained from the supervisor on request. If the plan is approved and the bond is acceptable, the supervisor will return to the permittee one copy of the notice with his approval endorsed thereon, upon receipt of which drilling may be commenced and carried on in accordance with the approved plan.

The bond will be transmitted by the supervisor to the Commissioner of the General Land Office for consideration and filing.

All instructions and regulations in conflict herewith are modified to conform hereto, and Circular No. 754 is hereby revoked.

You will give such publicity hereto as may be possible without expense to the Government.

Very respectfully,

WILLIAM SPRY,
Commissioner.

I concur:

GEO. OTIS SMITH,
Director, Geological Survey.

Approved February 21, 1927.

(Sgd.) E. C. FINNEY,
First Assistant Secretary.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington

March 18, 1927.

The Commissioner

of the General Land Office.

Dear Mr. Commissioner:

Circular No. 1111, relating to bonds in connection with oil and gas permits paragraph 1, seems to be not entirely clear, in that at least some parties in interest have the impression that thousand-dollar bonds are still required to be furnished not at the time of filing of application, but prior to the issuance of the permit, and that in special cases where the application embraces reserved deposits, bonds are to be in such other amount as may be fixed.

As you are aware, that is not the purpose or intention. The purpose is to do absolutely away with the requirement for a thousand-dollar bond heretofore required in connection with oil permit applications. No such bond will be required, either at the time of filing the application or afterwards. Bonds will be required only in two classes of cases:

(1) Where the permit is upon lands the surface of which has been disposed of by the United States under applicable laws with the oil and gas deposit reserved to the United States. In such cases, a bond will be exacted for the protection of the surface owner.

(2) All permittees before beginning to drill upon the land, or, in other words, at the time when they are ready to begin drilling, will be required to furnish a \$5,000 bond for the purposes stated in Section 2, Circular No. 1111.

I suggest that registers of local land offices and others interested in the administration of this act be furnished a copy of this letter.

Very truly yours,

E. C. FINNEY,
First Assistant Secretary.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington

March 14, 1907.

The Commissioner

of the General Land Office

Dear Mr. Commissioner:

Enclosed herewith is a copy of a letter from the
Commissioner of the General Land Office, dated
January 1, 1907, in which he states that the
Department has been advised by the Secretary of
the Interior that the Department should be
informed of the results of the examination of
the records of the Department of the Interior
in connection with the application for a
patent for the same.

As you are aware, that is not the purpose of this
letter. The purpose of this letter is to
advise you that the Department has been
informed of the results of the examination of
the records of the Department of the Interior
in connection with the application for a
patent for the same.

(1) Where the patent is upon land the title of which has been
conveyed to the United States under application filed with the
Department of the Interior, the Department will be required to
protect the title of the same.

(2) All permits before the Department for the purpose of
exploring for oil, gas, or other minerals, shall be required to
contain a \$5,000 bond for the purpose stated in Section 18 of the
Act of March 3, 1879, and the Department will be required to
the satisfaction of this act to furnish a copy of the same.

Very truly yours,

A. C. BROWN

Circular No. 1114.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 15, 1927.

Registers, United States Land Offices,
Division Inspectors and
District Cadastral Engineers.

The first paragraph of Section 1 of the act of Congress approved January 25, 1927 (Public No. 570, 69th Congress), reads as follows:

"That, subject to the provisions of subsections (a), (b), and (c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are hereby, extended to embrace numbered school sections mineral in character, unless land has been granted to and/or selected by and certified or approved, to any such State or States as indemnity or in lieu of any land so granted by numbered sections."

The beneficiaries of this grant are the States of Arizona, California, Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The grant also extends to the unsurveyed school sections reserved, granted, and confirmed to the State of Florida by the act of Congress approved September 22, 1922 (42 Stat., 1017).

The additional grant thus made, subject to all the conditions in the statute making same, applies to school section lands known to be of mineral character at the effective date thereof as hereinafter defined. It does not include school section lands nonmineral in character, those not known to be mineral in character at time of grant, but afterward found to contain mineral deposits, such lands not being excepted from the grants theretofore made (Wyoming et al., v. United States; 255 U. S., 489-500, 501), nor does it include lands in numbered school sections in lieu of or as indemnity for which lands were conveyed to the States first above named, or to the State of Florida with respect to school section lands coming within the purview of the act of September 22, 1922, supra, prior to January 25, 1927.

Determinations heretofore made by the Secretary of the Interior or the Commissioner of the General Land Office to the effect that lands in school sections were excepted from school land grants because of their known mineral character do not, of themselves, prevent or affect in any way the vesting of title in the States pursuant to the provisions of the statute making the additional grant.

Subsection (a) of Section 1 of the act provides:

"That the grant of numbered mineral sections under this act shall be of the same effect as prior grants for the numbered nonmineral sections, and titles to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections."

Grants to the States of school lands in place (the numbered sections), of the character and status subject thereto, as a rule, are effective and operate to vest title upon the date of the approval of the statute making the grant or the date of the admission of the State into the Union, as to lands then surveyed, and as to lands thereafter surveyed upon the date of the acceptance of the survey thereof by the Commissioner of the General Land Office (United States v. Morrison, 240 U. S., 192; United States v. Sweet, 245 U. S., 563; Wyoming et al. v. United States, supra). It is held, therefore, that the grant made by the first paragraph of Section 1 of the present statute, subject to the provision therein with respect to indemnity or lieu lands, to the provisions of subsections (b) and (c) of said Section 1 and following the plain provisions of subsection (a) thereof is effective upon the date of the approval of the act (January 25, 1927), as to lands then surveyed and the survey thereof accepted by the Commissioner of the General Land Office and as to the unsurveyed school sections in the State of Florida granted to that State by the act of September 22, 1922. The grant, as to other lands thereafter surveyed, subject to the same provisions, is effective upon the acceptance of the survey thereof as above indicated.

Subsection (b) of Section 1 of the act provides:

"That the additional grant made by this act is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct, the proceeds of rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: Provided, That any lands or minerals disposed of contrary to the provisions of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located."

The lands granted to the States by the act of January 25, 1927, and the mineral deposits therein are to be disposed of by the States in the manner prescribed in subsection (b) thereof, provision being made for judicial forfeiture in case of disposal of any of the lands or minerals contrary to the provisions of the act.

Subsection (c) of Section 1 of the act provides:

"That any lands included within the limits of existing reservations of or by the United States, or specifically reserved for waterpower purposes, or included in any pending suit or proceedings in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such application, claim, or right is relinquished or canceled, and all lands in the Territory of Alaska are excluded from the provisions of this act."

School section lands included within the limits of existing reservations of or by the United States, specifically reserved for water-power purposes, or included in any suit or proceedings in the courts of the United States, prior to January 25, 1927, and all lands in the Territory of Alaska are excluded from the provisions of the act.

The words "existing reservations" as used in subsection (c) are construed generally and subject to specific determination in particular cases if the need therefor shall arise, as including Indian and Military reservations, Naval and Petroleum reserves, National Parks, National Forests, Stock Driveways, reservations established under the act of June 25, 1910 (36 Stat., 847), as amended by the act of August 24, 1912 (37 Stat., 497), and all forms of executive withdrawal recognized and construed by this Department as reservations, existent prior to January 25, 1927.

Valid applications, claims, or rights protected by the provisions of subsection (c) include applications, entries, selections, locations, permits, leases and other forms of filing, initiated or held pursuant to existing laws of the United States prior to January 25, 1927, embracing known mineral school section lands then surveyed and otherwise within the terms of the additional grant, and as to lands thereafter surveyed, valid applications, claims, or rights so initiated or held prior to the date of the acceptance of the survey. The additional grant to the State will attach upon the effective date of the relinquishment or cancellation of any claim, so asserted, in the absence of any other valid existing claim for the land and if same be then surveyed. Should the validity of any such claim be questioned by the State, proceedings with respect thereto by protest, contest, hearing, etc., will be had in the form and manner prescribed by existing rules governing such cases. This procedure will be followed in the matter of all protests, contests, or claims filed by individuals, associations, or corporations against the States affecting school section lands.

The present grant, like other grants in aid of public or common schools, is subject to the rights and claims of those who settle upon, with a view to homestead entry, or occupy, with a view to desert-land entry, prior to survey in the field, lands which on survey are found to be in numbered school sections.

Section 2 of the act reads as follows:

"Sec. 2. That nothing herein contained is intended or shall be held or construed to increase, diminish, or effect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and this act shall not apply to indemnity or lieu selections or exchanges or the right hereafter to select indemnity for numbered school sections in place lost to the State under the provisions of this or other acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are hereby continued in full force and effect."

The only grants affected in any way by the provisions of the act of January 25, 1927, are those of numbered sections of land in place made to the States for the support of common or public schools. The adjudication of claims to land asserted under other grants, for indemnity or lieu lands and exchanges of lands, will proceed as heretofore, being governed by the provisions of existing laws applicable thereto. The States will be afforded full opportunity, however, if the facts and conditions are such as to authorize such action, either to assign new base in support of or to withdraw pending unapproved indemnity school land selections in support of which mineral school section lands have been tendered as base.

Administrative order of May 26, 1926 (Circular No. 1067, not reported), suspending action on hearings and other proceedings initiated by or for the United States, not specifically directed or authorized by Congress, involving the mineral or nonmineral character of school section lands, is hereby revoked. Pending contests, protests, or other proceedings so instituted in the Department of the Interior, its offices or bureaus, on the ground that because of the existence of known mineral deposits therein, title in and to school section lands did not vest in the States under prior laws and grants will be considered and disposition thereof made in the light of the additional grant of known mineral lands herein discussed, subject to all the conditions and provisions of the act of January 25, 1927, making same, and in accord with these instructions.

Cadastral Engineers, in reporting the completion of surveys in the field, will omit any special reference to the survey of school section lands.

The practice, generally, of making mineral examinations of school section lands is hereby discontinued and hereafter Division Inspectors will cause such examinations to be made and reports submitted only when directed to take such action, unless there are convincing reasons for believing that, as to particular tracts, examination and report should be made.

WILLIAM SPRY,

Commissioner.

Approved: March 15, 1927.

HUBERT WORK,

Secretary.

Circular No. 1115.

FEES--ACT OF FEBRUARY 25, 1920 (41 STAT., 437).

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Amended by Circular 1158

March 17, 1927.

Registers,

United States Land Offices.

Gentlemen:

The regulations approved March 11, 1920, Circular No. 672, and May 2, 1925, Circular No. 1004, relating to fees paid with applications for permits, leases, or other rights under the mineral leasing act of February 25, 1920 (41 Stat., 437), are amended as follows:

There shall be paid in connection with each application for prospecting permit filed pursuant to the provisions of the regulations approved April 23, 1924, Circular No. 929, and amendments thereof, a drawing service fee of \$10 in addition to the fees required under existing regulations. The drawing service fee shall be immediately earned, applied, and credited on the compensation of the Register within the limitations provided by law. Such fee shall constitute a flat service charge, and shall neither be returned by the Register nor repaid.

Upon receiving the required payment the Register will stamp on each application for permit filed as aforesaid the following:

"Drawing service fee \$10.00, neither returnable nor repayable."

The fees required by Circular No. 672 will be collected and applied in the manner required by the regulations approved May 2, 1925, Circular No. 1004.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: March 17, 1927.

E. C. FINNEY,

First Assistant Secretary.

October 11, 1937

MEMORANDUM FOR THE RECORD

DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS
WASHINGTON

October 11, 1937

Subject:

Public Domain Land Survey

Reference:

The regulations approved March 11, 1937, Division No. 107, and May 1, 1937, Division No. 108, relating to the sale of public lands for private use, are hereby amended to read as follows: (a) Section 107, as amended as follows:

There shall be paid in connection with each application for prospecting permit filed pursuant to the provisions of the regulations approved April 22, 1937, Division No. 107, and amendments thereto, a fee of \$10 in addition to the fee required under existing regulations. The fee shall be paid at the time the application is filed, and shall be credited on the account of the prospecter when the application is approved by the Bureau. If the application is not approved, the fee shall be refunded. The fee shall be credited on the account of the prospecter when the application is approved by the Bureau.

When receiving the required payment, the Bureau will stamp on each application the words "FILED IN REPLY TO THE FOLLOWING" and "RECEIVED THE BUREAU OF LANDS, DEPARTMENT OF THE INTERIOR, WASHINGTON, D. C., OCTOBER 11, 1937."

The fee required by Division No. 107 will be collected and applied to the amount received by the prospecter approved by the Bureau of Lands, Division No. 108.

Very respectfully,

WILLIAM B. HARRIS

Chief Clerk

Approved: March 11, 1937

A. C. HARRIS

Chief of Bureau

Circular No. 1117.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

13997
RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT.
APR 11 1927
Date _____
Hour _____

March 28, 1927.

ACCOUNTS: Per diems of
witnesses.

Division Inspectors

and Special Disbursing Agents.

Sirs:

The Comptroller General construing Section 3 of the act of April 26, 1926 (44 Stat., 323), having held in a decision dated June 25, 1926 (5 Comp. Gen., 1028) that:

In determining the number of days for which the per diems of \$2 and \$3 are to be allowed under said act the day is to be regarded as beginning on the hour at which it is necessary for the witness to leave his home in order to arrive at the place of trial at the appointed time, and the per diem will accrue for each period of 24 hours thereafter until the hour on which the witness could arrive at his home by the first available transportation after his dismissal as a witness--any fractional part of a day under such computation to be regarded as a day for per diem purposes,

it will be necessary for vouchers for witnesses' services to show date and hour of beginning and of termination of the period for which either per diem is allowed.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved: March 28, 1927.

E. C. FINNEY,
First Assistant Secretary.

1937

1937

Circular No. 117

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 28, 1937

ACCOUNTING FOR DISBURSEMENTS

TO THE COMMISSIONER

and Special Disbursement Agents

The following is a summary of the disbursements made by the General Land Office during the month of March, 1937, for the purpose of the accounting for disbursements. The total amount of disbursements for the month was \$1,234,567.89, of which \$1,000,000.00 was for the purchase of land, and \$234,567.89 was for other purposes. The disbursements for the purchase of land were made in accordance with the provisions of the Act of March 3, 1879, and the Act of March 3, 1897, and the disbursements for other purposes were made in accordance with the provisions of the Act of March 3, 1879, and the Act of March 3, 1897.

The following is a summary of the disbursements made by the General Land Office during the month of March, 1937, for the purpose of the accounting for disbursements. The total amount of disbursements for the month was \$1,234,567.89, of which \$1,000,000.00 was for the purchase of land, and \$234,567.89 was for other purposes. The disbursements for the purchase of land were made in accordance with the provisions of the Act of March 3, 1879, and the Act of March 3, 1897, and the disbursements for other purposes were made in accordance with the provisions of the Act of March 3, 1879, and the Act of March 3, 1897.

The following is a summary of the disbursements made by the General Land Office during the month of March, 1937, for the purpose of the accounting for disbursements. The total amount of disbursements for the month was \$1,234,567.89, of which \$1,000,000.00 was for the purchase of land, and \$234,567.89 was for other purposes. The disbursements for the purchase of land were made in accordance with the provisions of the Act of March 3, 1879, and the Act of March 3, 1897, and the disbursements for other purposes were made in accordance with the provisions of the Act of March 3, 1879, and the Act of March 3, 1897.

Very respectfully,
WILLIAM B. HARRIS
Commissioner

Approved: _____
Special Assistant Secretary

DEPARTMENT OF THE INTERIOR

General Land Office

Circular No. 1120

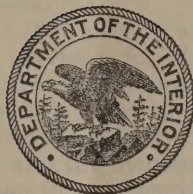
office copy

REGULATIONS
CONCERNING
POTASH MINING LEASES
AND
PROSPECTING PERMITS

UNDER ACT OF FEBRUARY 7, 1927
(PUBLIC No. 579)

*Amended by
Dec. 12/27*

APPROVED APRIL 20, 1927



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON

1927

POTASH REGULATIONS

POTASH PERMITS

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 20, 1927.

Registers United States land offices:

SIRS: The act of Congress approved February 7, 1927, entitled "An act to promote the mining of potash on the public domain" (Public, No. 579), authorizes the Secretary of the Interior, under such rules and regulations as he may prescribe, to issue prospecting permits, for a period not to exceed two years, for the exploration of the land described therein for potassium in any of the forms named in said act, and under authority thereof the following rules and regulations will govern the issuance of such permits:

1. *Qualifications of applicants.*—Permits may be issued to (a) citizens of the United States, (b) an association of such citizens, (c) or a corporation organized under the laws of any State or Territory thereof.

2. *Area and description.*—A permit may be issued for not more than 2,560 acres of public lands of the United States in reasonably compact form, by legal subdivisions if surveyed; if unsurveyed, by metes and bounds description.

3. *Rights under permit.*—The permit will confer upon the recipient the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium on the lands embraced therein. In the exercise of this right the permittee shall be authorized to remove from the premises only such material as may be necessary to experimental work and the demonstration of the existence of such deposits or any of them in commercial quantities.

4. *Reward for discovery.*—A permittee who shows that he has made a discovery of valuable deposits of potassium within the area of the permit and within the two-year period for which issued, is entitled, under section 2 of the act, to a lease of any or all of the land embraced in the permit containing such deposits and chiefly valuable therefor, the area to be taken in compact form. The lease will be issued at such royalty and acreage rental as may be fixed pursuant to section 3 of the act. A discovery of a valuable deposit of potassium shall be construed as the discovery of a deposit which yields commercial potassium in commercial quantities.

5. Under authority of section 3 of the act, unless otherwise specified in the permit when issued, a permittee who makes the first

discovery in any district and becomes entitled to a lease, will be granted a lease at the minimum royalty of 2 per cent of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, and at the minimum rental of 25 cents per acre, for 20 years succeeding the issue of the lease.

6. *Form and contents of application.*—Applications for permits should be filed in the proper district land office, addressed to the Commissioner of the General Land Office, and after due notation promptly forwarded for his consideration. No specific form of application is required, but it should cover, in substance, the following points, namely:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant; by affidavit of such fact, if native born; or, if naturalized, by the certificate thereof or affidavit as to time and place when issued; if a corporation, by certified copy of the articles thereof, and showing as to residence and citizenship of its stockholders.

(c) A statement of all holdings by the applicant of permits and leases under this act and pending applications therefor, and interests directly or indirectly held in such permits and leases.

(d) Description of land for which the permit is desired, by legal subdivisions, if surveyed, and by metes and bounds, if unsurveyed, in which latter case, if deemed necessary, a survey sufficient more fully to identify and segregate the land may be required before the permit is granted; also a statement whether the land is vacant and unclaimed.

(e) Reasons why the land is believed to offer a favorable field for prospecting.

(f) Proposed method of conducting exploratory operations, amount of capital available for such operations, and the diligence with which such explorations will be prosecuted.

(g) Statement of the applicant's experience in operations of this nature, together with references as to his character, reputation, and business standing.

7. *Bonds.*—Where an application includes reserved deposits in lands theretofore entered or patented with reservation of potassium to the United States pursuant to the act of July 17, 1914 (38 Stat. 509), or where the lands constitute a portion of a reclamation project, the applicant will be required prior to issuance of the permit to furnish a bond with qualified corporate surety in the sum of \$1,000, or such other amount as may be fixed, conditioned against damage to the crops and improvements of the surface owner, or damage to the reclamation project or water supply thereof.

A bond with qualified corporate surety in the sum of \$1,000, or such other amount as may be fixed, conditioned against failure of the permittee to comply with the provisions of paragraph 5 of the permit, may be required either before or after the permit is issued, where the conditions are such as to warrant requiring such bond.

8. *Form of permit.*—The form of permit issued under this act will be in substance as follows:

Serial No. _____

THE UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
LAND OFFICE AT _____,
_____, 19____.

POTASH PROSPECTING PERMIT

Know all men by these presents, that the Secretary of the Interior, under and by virtue of the act of Congress entitled "An act to promote the mining of potash on the public domain," approved February 7, 1927, has granted and does hereby grant a permit to _____ of _____, of the exclusive right for a period of two years from date hereof to prospect the following-described lands _____ for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium, but for no other purpose, upon the express conditions following:

1. To mark each corner of the outer boundaries and post a notice hereof in a conspicuous place on the land within 90 days, and to begin prospecting for said minerals within six months from date hereof, and diligently prosecute the exploratory and experimental work during the period of the permit, in manner and extent as follows, to wit: _____

2. To remove from said premises only such material as may be necessary to experimental work and the demonstration of the existence of such deposits in commercial quantities.

3. To afford all facility for inspection of such exploratory work on behalf of the Secretary of the Interior, and to report fully when required all matters pertaining to the character, progress, and results of such exploratory work, and to that end to keep and maintain such accounts, logs, or other records, as the Secretary of the Interior may require.

4. Not to assign or transfer the permit granted hereby without the express consent in writing of the Secretary of the Interior.

5. To carry out, at the expense of the permittee, all reasonable orders of the Secretary of the Interior, or his authorized representatives (mining supervisors, U. S. Geological Survey), issued in pursuance of the operating regulations; to carry on all operations hereunder in accordance with approved methods and practice and in conformity with the operating regulations to the satisfaction of said representatives; to take all reasonable precautions to prevent waste of or damage to mineral deposits, injury to life, health, or property, or economic waste; and to repair promptly, so far as possible, any damage to mineral deposits or mineral-bearing formations resulting from his operations.

6. To furnish such bond or bonds with qualified corporate surety, as the Secretary of the Interior may at any time require, conditioned against the failure of the permittee to comply with the provisions of paragraph 5 hereof, and against damage to the crops and improvements of any surface owner entitled to such bond, or damages to any reclamation project embracing any of the lands herein described.

Expressly reserving to the Secretary of the Interior the right to permit for joint or several use such easements or right of way upon, through, or in the lands covered hereby as may be necessary or appropriate to the working of the same or of other lands containing the deposits described in said act; and further reserving the right and authority to cancel this instrument for failure of the permittee to exercise due diligence in the execution of the prospecting work in accordance with the terms hereof.

Valid existing rights acquired prior hereto on the lands described herein will not be affected hereby.

Dated _____

First Assistant Secretary of the Interior.

POTASH LEASES

Section 3 of the act authorizes the Secretary of the Interior, under such general regulations as he may adopt, to lease, for the production of the potassium and other mineral deposits contained therein, public lands known to contain potassium in commercial quantity and char-

acter and found in some or any of the forms described in said act, leases to be issued for periods of 20 years, with preferential right in the lessee to renew the lease for successive periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any such period.

9. *Qualifications of applicants.*—Applications for leases in the form as herein provided may be filed in the proper district land office, addressed to the Commissioner of the General Land Office, by citizens of the United States, an association of such citizens, or corporations organized under the laws of any State or Territory thereof, the qualifications of the applicant in this respect to be fully covered by the application.

10. *Area and description.*—Leases are authorized by the terms of the act for an area not exceeding 2,560 acres, but will be granted only for such area as may be shown to the satisfaction of the Secretary of the Interior to contain deposits of potassium in such form and quantities as to constitute a commercial value, and will be limited to lands reasonably compact in form and described by legal subdivisions of the public land surveys, if surveyed, or if unsurveyed, by the approximate description they will bear when surveyed; the survey in the latter case to be made at the expense of the applicant if the application for lease is otherwise found satisfactory, the descriptions of the land in the lease when granted to conform to the official survey.

11. *Royalty and rentals.*—Except leases issued to permittees under claims of discovery, as stated in paragraph 5 hereof, the rate of royalty will be fixed prior to the issuance of the lease, but in no case can the royalty rate be less than 2 per centum of the quantity or gross value of the output of the potassium compounds and other related products, except sodium, at the point of shipment to market.

The rentals fixed by the act are to be paid annually in advance—25 cents per acre or fraction of an acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each year thereafter, such rental for any year being credited against royalties accruing for that year.

12. *Leases for potassium and sodium.*—Under section 4 of the act, potash leases may also provide for the development of sodium, magnesium, aluminum, or calcium deposits, associated with the potassium deposits, on terms not inconsistent with the terms of the act February 25, 1920. In cases of application for leases under this provision of the act, the terms of the lease, including rate of royalty, rentals, and production requirements, will be in accord with the provisions of both acts.

13. *Form and contents of application.*—Applications for leases must be under oath and should be filed in the proper district land office, addressed to the Commissioner of the General Land Office. No specific form of application is required, and no blanks will be furnished, but it should cover in substance the following points:

- (a) Applicant's name and address.
- (b) Proof of citizenship of applicant, by affidavit of such fact, if native born; if naturalized, by a certified copy of a certificate thereof in the form provided for use in public-land matters, unless

such copy is on file. If the applicant is an association, each member thereof must show his qualifications as above stated; if a corporation, a certified copy of the articles of incorporation must be filed, together with a showing as to the residence and citizenship of its stockholders.

(c) A statement of all holdings by the applicant of permits and leases under this act, pending applications therefor, and interests directly or indirectly held in such permits and leases.

(d) Description of land for which the lease is desired, by legal subdivisions if surveyed, and by metes and bounds if unsurveyed, in which latter case the description should be connected to some corner of the public land surveys where practicable, or to some permanent landmark. If the land is unsurveyed, the applicant, after he has been awarded the right to a lease, but before the issuance thereof, will be required to deposit with the district cadastral engineer of the public survey office of the State or district in which the land is located the estimated cost of making a survey of the lands, any balance remaining after the work is completed to be returned. This survey will be an extension of the public land surveys over the tract applied for, the leased land to be conformed to legal subdivisions of such survey when made.

(e) Evidence that the land is valuable for its potassium content, except so much thereof as is necessary for the extraction and reduction of the leased minerals, with a statement as accurate as may be of the character and extent and mode of occurrence of the potassium deposits in the lands applied for.

(f) Proposed method, so far as determined, as to the process of mining and reduction to be adopted, the diligence with which such operations will be carried on, and the contemplated investment in reduction works and development, and the capital available therefor.

(g) The application shall be accompanied by a notice for publication, in duplicate, prepared for the signature of the register, in substantially the following form:

Serial No. _____

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE AT _____,
_____, 19—.

NOTICE OF APPLICATION FOR POTASH LEASE

Notice is hereby given that in pursuance of the act of Congress approved February 7, 1927, _____, whose post-office address is _____, has made application for potash lease covering the following described lands: _____

Said application will be submitted to the Commissioner of the General Land Office within 30 days from _____, 19—, and any and all persons claiming adversely any of the described lands are required to file their claims in this office on or before said date, otherwise their claims will be disregarded in the granting of said lease.

Other applications for lease of the described lands may be filed at any time prior to said date, in which case all applications so filed will be considered as prescribed by section 15 of the potash regulations.

_____, Register.

The register will fix the time within which adverse or conflicting claims and other potash lease applications may be filed at not less than 30 nor more than 40 days from first publication.

14. *Disposition of applications.*—(a) The application will be given current serial number by the register, noted on his records, and the notice for publication will be signed by the register.

After the receipt of such application, no applicaitons, filings, or selections for the lands embraced therein will be permitted until so directed, except applications for leases under this act.

(b) The notice shall be published at the expense of the applicant, and proof of publication furnished promptly at the expiration thereof.

One copy of the signed notice will be delivered to the applicant, who will cause the same to be published in a newspaper to be designated by the register, of general circulation and best adapted to give the widest publicity in the county where the land is situated. If the land is in two or more counties, notice may be published in either. Notice must also be posted in the district land office during the period of publication.

(c) At the expiration of the period fixed in the notice, the evidence of publication and posting in said office should be promptly transmitted by the register to the Commissioner of the General Land Office, with a statement of the status of the land involved as to conflicts, withdrawals, protests, and any other matters that may be necessary to determine the availability of the land or deposits therein for lease.

15. *Action in General Land Office.*—On the receipt of the application or applications in the General Land Office the same will be considered, investigation made, if deemed necessary, and submitted to the Secretary of the Interior with appropriate recommendation and report as to the proper action to be taken thereon, giving due consideration to the proposed effectual development of the alleged potash deposits and the amount of capital to be invested therein; the award of priority in case of conflicting applications to be determined by the respective proposed investments, date of productive development proposed by the several applicants, and any equities that may exist in one or more of the applicants resulting from improvement or development under claims made under other laws.

In the award of lease of any lands or deposits hereunder the right is reserved to order a sale of the lease at public auction to the bidder offering the highest cash bonus for lease thereof on such terms as may be prescribed for lease of the lands, in which case any application for lease theretofore filed will give the applicant no priority or preference in securing a lease of the lands.

16. *Lease by permittee.*—The permittee has a preference right within the two years of his permit to lease any or all of the land included in his permit, upon showing to the satisfaction of the Secretary of the Interior that he has discovered a valuable deposit of potash thereon and that such land is chiefly valuable therefor. Any lands not leased by the permittee will be subject to be leased by others under the terms set forth in these regulations.

17. Form of lease.—

Serial No. _____

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE AT _____,

_____, 19__.

POTASH LEASE

Date.—Parties. This indenture of lease entered into in triplicate this _____ day of _____, 19__, by and between the United States of America, acting in this behalf by the Secretary of the Interior, party of the first part, hereinafter called the lessor, and _____, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved February 7, 1927 (Public, No. 579), entitled "An act to promote the mining of potash on the public domain," hereinafter referred to as the act, which is made a part hereof, witnesseth:

SECTION 1. *Purposes.*—That the lessor, in consideration of the rents and royalties to be paid, and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine, remove, and dispose of all the potassium and associated minerals in, upon, or under the following-described tracts _____, containing _____ acres, more or less, together with the right to construct and maintain thereupon all works, buildings, plants, waterways, or reservoirs necessary to the full enjoyment hereof, together also with the right to use any timber, stone, or other materials on said land in connection with the operations to be conducted hereunder, for a period of 20 years, with preferential right in the lessee to renew the same for successive periods of 10 years under such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any such period: *Provided*, That this lease shall extend only to or include any right or interest in the lands, or the minerals therein, reserved to the United States under any entry that may be allowed, or patent that may issue, or may have issued, with a reservation of minerals to the United States.

SEC. 2. In consideration of the foregoing the lessee hereby agrees:

(a) *Investment.*—To invest in actual development or improvements upon the land leased, or for the benefit thereof, the sum of _____ dollars, of which sum not less than one-third shall be so expended during the first year succeeding the execution of this instrument and a like sum each of the two succeeding years, unless sooner expended; and submit annually, at the expiration of each year for the said period, an itemized statement of the amount and character of said expenditure during each year.

To furnish and maintain a bond in the sum of \$5,000, conditioned upon the expenditure of the amount specified in (a) hereof and compliance with the terms and provisions of this lease.

(b) *Royalty.*—To pay for the output of potassium and all other related products a royalty of _____ per cent, and for the output of sodium compounds a royalty of 12½ per cent, of the gross value thereof at the point of shipment to market. Such royalties shall be paid monthly, the royalties for each month to be paid during the next succeeding month to the register of the United States land district in which the land is situated, or if not in a land district, to the Commissioner of the General Land Office.

(c) *Rents.*—To pay the register of the district land office on all leases annually, in advance, beginning with the date of the execution of the lease, the following rentals: Twenty-five cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each and every calendar year thereafter during the continuance of the lease, such rental for any year to be credited against the royalties as they accrue for that calendar year.

(d) *Taxes.*—To pay when due all taxes assessed and levied under the laws of the State upon the improvements output of mines, or other rights, property, or assets of the lessee.

(e) *Monthly statements.*—To furnish monthly certified statements in detail in such form as may be prescribed by the lessor of the amount and value of output from the leasehold as a basis for determining amount of royalties. All books and accounts of the lessee shall be open at all times for the inspection

by any duly authorized officer of the department. Falsification of such statements shall be a basis for action for the cancellation of the lease.

(f) *Plats and reports.*—To furnish annually a plat in the manner and form prescribed by the Secretary of the Interior showing all prospecting and development work on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon said leased lands, as well as any buildings, reduction works, or equipment, situated elsewhere and owned or operated in conjunction with, or as a part of, the operations conducted hereunder, accompanied by a report, in detail, as to the stockholders, business transacted, assets and liabilities of the lessee, together with a statement of the amount of potash, and other minerals produced and secured by operations hereunder, and the cost of production thereof.

(g) *Potassium in solution.*—Where the minerals are taken from the earth in solution, such extraction shall not be within 500 feet of the boundary line of leased lands without permission from the Secretary of the Interior.

(h) *Diligence—Prevention of waste—Health and safety of workman.*—To develop and produce in commercial quantities, with reasonable diligence, the potassium and other mineral deposits susceptible of such production in the lands covered hereby; to carry out, at the expense of the lessee, all reasonable orders of the Secretary of the Interior, or his authorized representatives (mining supervisors, U. S. Geological Survey), issued in pursuance of the operating regulations; to carry on all mining, reducing, refining, and other operations in accordance with approved methods and practice and in conformity with the operating regulations to the satisfaction of said representatives; to take all reasonable precaution to prevent damage to mineral deposits, injury to life, health, or property, or economic waste; to observe all State laws relative to the health and safety of workmen and employees; and to provide access at all times to mining and related productive operations for examination and inspection by authorized representatives of the lessor.

(i) *Forfeiture of lease.*—To deliver up to the lessor in good order and condition and subject to the provisions of section 5 hereof on the termination of this lease as a result of forfeiture thereof pursuant to section 31 of the act of February 25, 1920, the lands covered thereby, including all fixtures, machinery, improvements, and appurtenances, together with such personal property situate on any of said lands as may be necessary or convenient for the continued operation to the full extent and capacity of the leased premises.

(k) *Reserved deposits.*—To comply with all statutory requirements where the surface of the lands embraced herein has been disposed of under laws reserving to the United States the mineral deposits therein.

(l) *Assignment.*—Not to assign or sublet, without the consent of the Secretary of the Interior, the premises covered hereby.

(m) *Excess holdings.*—To observe faithfully the provisions of section 27 of the act of February 25, 1920, as amended by act of April 30, 1926, in so far as applicable hereto.

(n) *Minimum production.*—Beginning with the fourth full calendar year of the lease, except when operations are interrupted by strikes, the elements or casualties not attributable to the lessee, to produce each year potassium or associated minerals from the premises covered hereby, to the gross value or not less than ——— dollars at the point of shipment, or to pay royalty on said gross value if the value of actual production be less.

Sec. 3. The lessor expressly reserves:

(a) *Easements and rights of way.*—The right to permit for joint or several use such easements or rights of way upon, through, or in the lands hereby leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act; and the treatment and shipment of the products thereof, by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) *Disposition of surface.*—The right to dispose of the surface of the land embraced herein under existing law, or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein.

(c) *Monopoly and fair prices.*—Full power and authority to carry out and enforce all the provisions of section 30 of said act of February 25, 1920, to insure the sale of the production of said leased lands to the United States and to the public at reasonable prices, to prevent monopoly, and to safeguard the public welfare.

Sec. 4. *Surrender and termination of lease.*—The lessee may, on consent of the Secretary of the Interior first had and obtained, surrender and terminate

this lease at any time after the first four years of the term herein provided for, by giving six months' notice in writing to the lessor, and upon payment of all rents, royalties, and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that the public interest will not be impaired; but in no case shall such termination be effective until the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered by such relinquishment.

SEC. 5. *Purchase of materials, etc., on termination of lease.*—That on the termination of this lease, by surrender or forfeiture, the lessor, his agent, licensee, or lessee, shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, any or all buildings, machinery, equipment and tools, whether fixtures or personalty, placed by the lessee in or on the land leased hereunder, save and except equipment such as underground timbering, supports, shaft linings, and well casings, necessary for the preservation of the mine or other development works, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment, and tools to be purchased as aforesaid shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party thereto and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months none of said buildings, or other property, shall be removed from their normal position; that at any time within a period of 90 days after election by the lessor not to purchase or after expiration of said period of six months without election by the lessor, the lessee shall have the privilege of removing from the premises said buildings and other property except said underground equipment and structures as aforesaid.

SEC. 6. *Judicial proceedings in case of default.*—If the lessee shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or of the general regulations promulgated and in force at date hereof, and such default shall continue for 90 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of this lease as provided in section 31 of the act of February 25, 1920. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

SEC. 7. *Heirs and successors in interest.*—It is further agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 8. *Unlawful interest.*—It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part of this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States, and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States, approved March 4, 1909 (35 Stat. 1109), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

In witness whereof—

THE UNITED STATES OF AMERICA,

By _____

Secretary of the Interior, Lessor.

_____, Lessee.

_____, Lessee.

_____, Lessee.

Witnesses:

18. *Operations.*—Prospecting and mining operations under permits and leases will be governed by operating regulations, approved by the Secretary of the Interior. Administration of the operating regulations and supervision of operations on permits and leases will be under the direction of the Geological Survey. Before beginning operations permittees and lessees should consult with the mining supervisor of the Geological Survey for the area in which operations are to be conducted and obtain from him a copy of the operating regulations.

19. *Limitation on holdings.*—The act provides that the general provisions of the act of February 25, 1920, shall be applicable. The Secretary of the Interior is given authority to prescribe necessary and proper rules and regulations, and in view of the limitations fixed by section 27 of the latter act on holdings of permits and leases of the minerals enumerated therein no person, association, or corporation will be granted, either directly or indirectly or by approval of assignments, permits or/and leases for more than 2,560 acres or which will when added to the area already held exceed in the aggregate 2,560 acres in the same potassium prospecting or leasing field, except in cases where, because of the character of the deposits, the capital necessary for their proper development, or other conditions, a larger area is found necessary for economic mining operations and to secure the best development thereof, but in such cases the total shall not exceed 7,680 acres.

20. *Repealing and saving clause.*—By section 6 of the act, the act of October 2, 1917 (40 Stat. 297), is repealed, with provision that the repeal shall not affect pending applications for permits or leases filed prior to January 1, 1926, or valid claims existing at the passage of the act and thereafter maintained in compliance with the law under which initiated, which claims may be perfected under such law, including discovery.

Under these provisions applications for permits or leases filed prior to January 1, 1926, will be considered under the act of October 2, 1917, and if allowable permits or leases will be issued under said act unless an applicant request permit or lease under the later act.

Pending applications filed under the act of October 2, 1917, subsequent to January 1, 1926, will be allowed to proceed to permits or leases provided the applicants file supplemental applications agreeing to accept permits or leases under the law now in force and pay the filing fees prescribed for applications filed under these regulations.

As to potash mining claims, only those claims may be patented which were initiated prior to and were valid existing claims on October 2, 1917, and have since been duly maintained as such.

21. *Fees and commissions.*—(a) For receiving and acting upon each application for prospecting permit or lease filed in the district land office in accordance with these regulations there shall be paid by the applicant a fee of \$2 for every 160 acres or fraction thereof in the application, such fee in no case to be less than \$10, the same to be considered as earned when paid and to be credited to the compensation of the register within the limitations provided by law.

(b) Registers shall be entitled to a commission of 1 per cent of all moneys received in each register's office. Such commission will

not be collected from the applicant or lessee in addition to the moneys otherwise provided to be paid.

It should be understood that the commissions herein provided for will not affect the disposition of the proceeds arising from operations under the act, as provided in section 35 of the act of February 25, 1920; also that such commissions will be credited on compensation of registers only to the extent of the limitation provided by law for maximum compensation of such officer.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved April 20, 1927.

E. C. FINNEY,

Acting Secretary of the Interior.

[PUBLIC—No. 579—69TH CONGRESS]

[H. R. 5243]

AN ACT To promote the mining of potash on the public domain

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed two thousand five hundred and sixty acres of land in reasonably compact form: *Provided further*, That the prospecting provisions of this act shall not apply to lands and deposits in or adjacent to Searles Lake, California, which lands may be leased by the Secretary of the Interior under the terms and provisions of this act.

SEC. 2. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in this act has been discovered by the permittee within the area covered by his permit, and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of not less than 2 per centum of the quantity, or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market such lease to be taken in compact form by legal subdivisions of the public land surveys, or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior.

SEC. 3. That lands known to contain valuable deposits, enumerated in this act and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and \$1 per acre per annum thereafter during the continuance of the lease, such rental for any year being credited against royalties accruing for that year. Leases under this act shall be for a period of twenty years, with preferential right in the lessee to renew for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of such periods. In the discretion of the Secretary of the Interior the area involved in any lease resulting from a prospecting permit may be exempt from any rental in excess of 25 cents per acre for twenty years succeeding its issue, and the production

of potassium compounds under such a lease may be exempt from any royalty in excess of the minimum prescribed in this act for the same period.

Sec. 4. That prospecting permits or leases may be issued under the provisions of this act for deposits of potassium in public lands, also containing deposits of coal or other minerals, on conditions that such other deposits be reserved to the United States for disposal under appropriate laws: *Provided*, That if the interests of the Government and of the lessee will be subserved thereby, potassium leases may include covenants providing for the development by the lessee of chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, magnesium, aluminum, or calcium, associated with the potassium deposits leased, on terms and conditions not inconsistent with the sodium provision of the act of February 25, 1920 (Forty-first Statutes at Large, page 437); *Provided further*, That where valuable deposits of mineral now subject to disposition under the general mining laws are found in fissure veins on any of the lands subject to permit or lease under this act, the valuable minerals so found shall continue subject to disposition under the said general mining laws notwithstanding the presence of potash therein.

Sec. 5. That the general provisions of sections 1 and 26 to 38, inclusive, of the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are made applicable to permits and leases under this act, the first and thirty-seventh sections thereof being amended to include deposits of potassium.

Sec. 6. That the act of October 2, 1917 (Fortieth Statutes at Large, page 297), entitled "An act to authorize exploration for and disposition of potassium," is hereby repealed, but this repeal shall not affect pending applications for permits or leases filed prior to January 1, 1926, or valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

Approved, February 7, 1927.

[PUBLIC—No. 146—41 STAT. 437]

AN ACT To promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the act known as the Appalachian forest act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

(Sections 2 to 25, inclusive, relate to coal, oil, and gas, oil shale, phosphate, and sodium.)

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, GAS, AND POTASH LEASES

SEC. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee

to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this act appropriate provisions for its cancellation by him.

SEC. 27 (as amended by act approved April 30, 1926, Forty-fourth Statutes, page 373). That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage two thousand five hundred and sixty acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate seven thousand six hundred and eighty acres granted hereunder in any one State, and not more than two thousand five hundred and sixty acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteeed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in any wise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

SEC. 28. That rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and

without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line operating a lease or purchasing gas or oil under the provisions of this act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

SEC. 29. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

SEC. 30. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

SEC. 31. That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act, also to fix and determine the act: *Provided*, That nothing in this act shall be construed or held to affect the boundary lines of any structure, or oil or gas field, for the purposes of this rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements,

output of mines, or other rights, property, or assets of any lessee of the United States.

SEC. 33. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

SEC. 34. That the provisions of this act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

SEC. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902, and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided*, however, That pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further*, That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

SEC. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this act.

Approved, February 25, 1920.

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CIRCULAR NO. 1122

**UNITED STATES DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

LAWS AND REGULATIONS

RELATING TO

**TOWN SITES, PARKS, CEMETERIES,
RECREATIONAL SITES, ETC.**

Regulations revised April 27, 1927

(For former regulations see 5 L. D. 265, 32 L. D. 156, and 38 L. D. 92)

TOWN SITES

TOWN SITES RESERVED BY THE PRESIDENT

United States Revised Statutes

SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population.

Town sites to be reserved by President. Mar. 3, 1863, 12 S. 754; Mar. 3, 1877, 19 S. 392.

Sec. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisal of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterwards to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the register and receiver of the land office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land Office.

Reservations to be surveyed into lots. Mar. 3, 1863, 12 S. 754.

RESERVATION OF LAND

1. Under section 2380, United States Revised Statutes, public land may be reserved by the President for town-site purposes on his own motion, or petitions may be addressed to him therefor, setting forth facts warranting his action under said section, duly verified by the affidavit of one or more persons, such petitions to be filed with the President, the department, the General Land Office, or with the district land office for transmission to the General Land Office.

SURVEY AND APPRAISAL

2. Town sites reserved under section 2380, or under any other law directing their disposition under section 2381, will be surveyed, when ordered by the department, under the supervision of the General Land Office, into urban, or urban and suburban, lots and blocks, and thereafter the lots and blocks will be appraised by such disinterested person or persons as may be appointed by the Secretary of the Interior. Each appraiser must take his oath of office and transmit the same to the General Land Office before proceeding with his work. Said office must be notified by wire of the time when such appraiser or appraisers enter on duty. They will examine each lot to be appraised and determine the fair and just cash value thereof. Improvements on such lots, if any, must not be considered in fixing such value. Lots or blocks reserved for public purposes will not be appraised.

SCHEDULE OF APPRAISEMENT

3. The schedule of appraisement must be prepared in triplicate on forms furnished by the General Land Office, and the certificates at the end thereof must be signed by each appraiser, and on being so completed they must be immediately transmitted to said office, and when approved by the Secretary of the Interior one copy will be sent to the district land office. In the case of reclamation town sites, one copy of the schedule will be sent to the Commissioner of Reclamation.

NOTICE OF SALE

4. Each sale will be given such publicity as may be deemed proper in the particular case. Appropriate instructions in this connection will be given in the order for sale.

TIME, PLACE, AND TERMS OF SALE

5. Special regulations will be issued in each case prescribing the time when, the place where, and the terms under which the lots will be offered.

QUALIFICATIONS AND RESTRICTIONS

6. No restriction is made as to the number of lots one person may purchase. Bids and payments may be made through agents, but not by mail or at any time or place other than that fixed in the notice of sale.

COMBINATIONS IN RESTRAINT OF THE SALE

7. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States, which reads as follows:

Whoever, before or at the time of the public sale of any of the lands of the United States, shall bargain, contract, or agree, or attempt to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination, or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

CERTIFICATES

8. All lots purchased at the same time, for cash, in the same town site, and by the same person should be included in one certificate, in order to prevent unnecessary multiplicity of patents.

Where cash certificates can not immediately issue, because payment for the lots has not been made in full, and where the regulations authorize the issuance of nontransferable memorandum certificates, more than one lot should not be included in the same certificate.

REOFFERING AT PUBLIC SALE—PRIVATE ENTRY

9. In the absence of special instructions in a particular case, an offering at public sale may be adjourned or closed, in the discretion of the officer conducting the sale. If adjourned, the unsold lots will be held for future disposition at public sale. If closed, the unsold lots will become subject to private entry at the appraised price.

Lots sold at public sale and forfeited because of nonpayment of the purchase price, or for any other reason, will be held for further offering at public sale, unless reentry of the lots at private sale, at a designated price, is authorized by the regulations under which the lots are sold.

Lots sold at private sale should be accompanied by an application therefor, signed by the applicant.

TOWN SITES PLATTED BY OR FOR
OCCUPANTS

United States Revised Statutes

SEC. 2382. In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name

Town or city
sites on public
lands platted by
occupants.
July 1, 1864,
13 S. 343.

of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the General Land Office it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of ten dollars for each lot, and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a preemption, at such minimum, at any time before the day fixed for the public sale.

When towns established upon unsurveyed lands, extension limits, how adjusted.

Ibid.

SEC. 2383. When such cities or towns are established upon unsurveyed lands it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

When transcript maps of towns are not filed in 12 months, proceedings by Secretary of the Interior.

Ibid.

SEC. 2384. If within twelve months from the establishment of a city or town on the public domain the parties interested refuse or fail to file in the General Land Office a transcript map, with the statement and testimony called for by the provisions of section twenty-three hundred and eighty-two, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of fifty per centum on the minimum of ten dollars per lot.

SEC. 2385. In the case of any city or town in which the lots may be variant as to size from the limitation fixed in section twenty-three hundred and eighty-two, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish.

Where size of lots or town plat vary from general rule.
Mar. 3, 1865,
13 S. 530.

SEC. 2386. Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States.

Title to lots subject to mineral rights.
Ibid.

In a town site platted and disposed of under sections 2382 to 2386, inclusive, United States Revised Statutes, the procedure is as follows:

SURVEY AND PLAT

1. The occupants, at their own expense, must cause a survey of the land into lots, blocks, streets and alleys to be made, and the plat and field notes thereof to be filed with the recorder of the county in which the land is situated. The plat must show (1) that the land does not include an area in excess of 640 acres, unless the lots, buildings, and improvements cover a greater area, and then only to the extent so occupied and improved; (2) that the boundaries of the land are correctly shown and described thereon according to the lines of the public surveys, or if not so surveyed, then that the exterior lines of the town-site survey are tied to a designated, permanent, and thoroughly identified monument; (3) that the streets, squares, blocks, lots, and alleys, the dimensions of the same, with measurements, courses, and area of each municipal subdivision, and the name of the town are correctly delineated thereon; and (4) the exterior lines of all existing railroad rights of way and station grounds. The lots should not exceed 4,200 square feet, except in cases where the configuration necessitates a different area. The above required facts should be verified by the oath of the surveyor entered upon the margin of the plat.

A statement of the extent and general character of the improvements on the land must be filed with the plat and field notes, and such plat and statement must be verified by the oath of the party acting for and in behalf of the occupants of the land.

TRANSCRIPT OF PLAT AND STATEMENT

2. Within one month after filing such plat, field notes, and statement, a transcript thereof in duplicate, each duly verified by the certificate of the county recorder, and accompanied by the testimony

of two witnesses that such town has been established in good faith, and showing the number of inhabitants thereof, and when it was so established, shall be filed with the register of the land district in which the town site is located, who will immediately transmit the same to the General Land Office for consideration, and upon the approval thereof one of said duplicate plats and statements will be returned to the register for his files.

NOTICE OF FILING PLAT

3. On filing such plat and statement the register will prepare and conspicuously post in his office a notice to the effect that the official plat of such town site has been filed and that he is ready to receive applications by lot occupants to make proof for and purchase the lots occupied by them, respectively. The newspapers in the vicinity should be given copies of the notice as an item of news, and such other publicity should be given it as can be done without expense.

ADJUSTMENT TO LINES OF PUBLIC SURVEY

4. When the town site is upon land over which the township surveys have not been extended, the district cadastral engineer will be notified of the town-site survey and be furnished by the General Land Office with an outline plat showing the exterior lines thereof, with courses and distances, the date of the survey and the approval thereof, and thereafter when the township surveys have been extended over the land the exterior lines of the town site may be adjusted thereto where it can be done without impairing vested rights.

DEPARTMENT MAY MAKE TOWN-SITE SURVEY

5. Refusal or failure to file such transcript, plat, field notes, and statement, with the testimony, as above required, within twelve months from the establishment of a town on the public domain, will authorize the Secretary of the Interior to cause a survey and plat to be made thereof, the lots in which shall be disposed of at an increase of fifty per centum on the minimum price.

PRICE OF LOTS

6. The minimum price for all lots of 4,200 square feet or less is \$10 per lot, except in cases where the Secretary of the Interior causes the survey into lots and blocks to be made by the Government, in which case the minimum price is \$15 per lot for such lots. The minimum price for all lots in excess of 4,200 square feet will be computed by adding to said minimum price of \$10 or \$15, as the case may be, the sum of \$4 for each additional 1,000 square feet or fractional part thereof in excess of 4,200 square feet in the absence of special provisions in a particular case.

PREEMPTION CLAIMS

7. A preemption right of purchase at the minimum price, at any time before the day fixed for the public sale, of not exceeding two lots, is accorded an actual resident, to secure which he must file in

the district office his application therefor, and therein state the date of settlement, the value and character of his improvements thereon, that he is 21 years of age or over or the head of a family, and that he is a citizen of the United States or has declared his intention to become such. The notice of intention to make proof must be filed and the notice for publication must be issued, published, and posted at the applicant's expense as in ordinary cases and in manner and form and for the time as provided in the act of March 3, 1879 (20 Stat. 472). See 38 L. D. 131, 40 L. D. 459, and 43 L. D. 216.

Where a husband and wife are joint settlers, and the husband purchases two lots, as stated, the wife may also purchase an "additional lot" upon which she has placed substantial improvements. (39 L. D. 516.)

PREEMPTION PROOF

8. Preemption proof may be made before the register, or any officer duly authorized by law, and must show by record or documentary evidence where such evidence is usually required, and where not so required by the testimony of witnesses, (1) due publication of the register's notice; (2) the claimant's age; (3) his citizenship; and (4) his actual residence upon one lot and substantial improvements on the second lot, if two lots be included in the application. The proof must embrace the testimony of the applicant and of at least two of his advertised witnesses. The purchase price for the lot or lots must be paid when the proof is made. Entry of public lands under other laws, or in other town sites, or ownership of more than 320 acres, will not disqualify an applicant from making such entry. No entry can be made of an improved lot on which the claimant does not reside unless his residence lot is included in the same or a previous entry.

HEARINGS

9. Hearings will be ordered and conducted in accordance with the Rules of Practice where two or more adverse applications are filed for the same lot, or where a sufficient contest affidavit is filed against an application, on or before the day fixed for making proof, but no purchase money will be collected from the applicants until the final determination of the case, whereupon the successful applicant will be required to pay the purchase price within 30 days from notice thereof.

CONFLICTING MINERAL CLAIMS

10. Mineral surveys, locations, applications, and entries covering lots in such town sites will not prevent the entry of such lots hereunder and the issuance of patent thereon, but such mineral claims, if held under prior and valid mineral rights, are amply protected by the law from prejudice by the allowance of such town-lot entries and patents, and paramount patents may be issued thereafter to such mineral claimants.

MINERAL PATENTS

11. Lots wholly covered by outstanding mineral patents are not subject to entry under the town-site law, and applications therefor

will be rejected. Lots partly covered by mineral patents may be entered at the price fixed for the whole lot, but the certificate and receipt must contain at the end of the description an exception clause as follows: "Excepting and excluding the portion of said lot (or lots) embraced in mineral patent (or patents) heretofore issued."

MILL SITES

12. The continued use and occupation within a town site of a duly located mill-site claim under section 2337, United States Revised Statutes, from a time prior to a settlement and occupation thereon for town-site purposes, will defeat the rights of the claimant under the town-site laws to any part of the land within such mill site.

RAILROAD RIGHTS OF WAY

13. Railroad rights of way and station grounds, when approved by the department, are subject to all valid rights existing at the date of filing the application for such rights of way or station grounds.

FORFEITURE OF PREEMPTION RIGHT

14. All right to preempt and purchase occupied and improved lots for which no entry has been allowed prior to or on the date fixed for the public sale will be forfeited unless a contest be pending thereon as hereinbefore provided, and such lots will be offered for sale together with the unoccupied lots. When notified of the date fixed for the public sale, the register will refuse to receive or consider any such application for entry where due publication could not be had and proof made thereon prior to the date so fixed for the public sale.

PUBLIC SALE

15. The public sale will be conducted in the form and manner herein provided for the sale of town lots under section 2381, United States Revised Statutes, except that no lot shall be sold for less than the minimum price herein fixed therefor, and such lots as may not be so disposed of shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution as the Secretary of the Interior may order from time to time after at least three months' notice.

TOWN SITES ENTERED BY TRUSTEES

United States Revised Statutes

Entry of town authorities in trust for occupants.

Mar. 2, 1867,
14 S. 541; June
23, 1874, 18 S.
254.

SEC. 2387. Whenever any portion of the public lands have been or may be settled upon and occupied as a town site, not subject to entry under the agricultural preemption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land office, and at the minimum price, the land so

settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

SEC. 2388. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town site shall be filed with the register of the proper land office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying district in which the lands are situated, who shall transmit the same to the General Land Office.

Entry under preceding section, when to be made. Ibid.

SEC. 2389. If upon surveyed lands, the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred, and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

Entry in proportion to number of inhabitants.

Mar. 2, 1867, 14 S. 541; June 23, 1874, 18 S. 254; Mar. 3, 1877, 19 S. 392.

SEC. 2391. Any act of the trustees not made in conformity to the regulations alluded to in section twenty-three hundred and eighty-seven shall be void.

Certain acts of trustees to be void.

Mar. 2, 1867, 14 S. 541; June 23, 1874, 18 S. 254.

SEC. 2394. The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections twenty-three hundred and eighty-seven, twenty-three hundred and eighty-eight, and twenty-three hundred and eighty-nine; and, in addition to the minimum price of the lands embracing any town site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited shall prevent the issuance of

Inhabitants of towns on public lands, right of, to enter.

June 8, 1863, 15 S. 67; June 23, 1874, 18 S. 254.

patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town sites in this chapter set forth.

ADDITIONAL ENTRIES

An Act Respecting the limits of reservations for town sites upon the public domain

* * * * *

Where town site is less than maximum.

SEC. 4. It shall be lawful for any town which has made, or may hereafter make entry of less than the maximum quantity of land named in section twenty-three hundred and eighty-nine of the Revised Statutes to make such additional entry, or entries, of contiguous tracts, which may be occupied for town purposes as when added to the entry or entries theretofore made will not exceed twenty-five hundred and sixty acres: *Provided*, That such additional entry shall not together with all prior entries be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section twenty-three hundred and eighty-nine.

Proviso.

Approved, March 3, 1877 (19 Stat. 392).

SEGREGATION BY TOWN-SITE SETTLEMENT

1. Public lands settled upon and occupied as a town site are thereby segregated from entry under the agricultural land laws, and may be entered under sections 2387 to 2389, subject to the restrictions contained in sections 2386 and 2391 to 2393, inclusive, United States Revised Statutes.

BY WHOM ENTRY MAY BE MADE

2. If the town is incorporated the entry must be made by the corporate authorities or by the mayor or other principal officer authorized so to do by resolution or ordinance of the town board or city council. If the town is not incorporated, the entry must be made by the judge of the county court upon petition addressed to him therefor, signed by such number of actual occupants of lots therein as may be required by the laws of the State or Territory in which the town is situated. Private individuals, organizations, or corporations are not authorized to make such entries.

TRUST

3. The entry must be made in trust (1) as to the occupied lots, for the several use and benefit of the occupants thereof according to their respective interests, and (2) as to the unoccupied lots, for the use and benefit of the municipality, the public, or the occupants collectively as a community. Such entries can not be made for

the benefit of one individual, or organization, or corporation, but only for the benefit of the actual inhabitants and occupants of an established town. Prospective town sites can not be so entered.

EXECUTION OF TRUST

4. The execution of the trust as to the disposal of the lots and the proceeds of sales is to be conducted under regulations prescribed by the State or Territorial laws. Acts of trustees not in accordance with such regulations are void.

AREA THAT MAY BE ENTERED

5. The amount of land that may be entered under this act is proportionate to the number of inhabitants. One hundred and less than 200 inhabitants may enter not to exceed 320 acres; 200 and less than 1,000 inhabitants may enter not to exceed 640 acres; and where the inhabitants number 1,000 and over an amount not to exceed 1,280 acres may be entered; and for each additional 1,000 inhabitants, not to exceed 5,000 in all, a further amount of 320 acres may be allowed. When the number of inhabitants of a town is less than 100 the town site shall be restricted to the land actually occupied for town purposes, by legal subdivisions.

ENTRY OF UNSURVEYED LAND

6. Unsurveyed public land upon which a town has been established may be entered hereunder. In such case a special survey should be procured by application to the district cadastral engineer therefor, the cost of which survey will be paid out of the general appropriations for public surveys. When the plat of such survey is filed in the district office, application may be made to enter the land described therein.

DECLARATORY STATEMENTS

7. Declaratory statements may be filed as the initiatory step for the entry of the land in all cases where the occupants are not ready to apply for entry, and should be so filed in order to protect their rights. The statement should be signed and filed by the officer entitled to make entry under the law, and should show the number of inhabitants, that the land is occupied for trade, business, and other town-site purposes, and the date when first so occupied, and declare the purpose of the occupants to enter it under the town-site laws. It should include only such lands as the town is entitled to enter by Government subdivisions where surveyed, and if not surveyed the land should be described so it may be easily identified.

PROOF

8. The notice of intention to make proof must be filed and the notice for publication must be issued, published, and posted at the applicant's expense as in ordinary cases, and in manner and form and for the time provided in the act of March 3, 1879 (20 Stat. 472).

(See 38 L. D. 131; 40 L. D. 459, and 43 L. D. 216.) The proof may be made before the register or any officer duly authorized by law, and must show, by record or documentary evidence, where such evidence is usually required, and where not so required, by the testimony of at least two of the advertised witnesses, (1) due publication of the register's notice; (2) if an incorporated town, proof of incorporation, which should be a certified copy of the order of incorporation, or if by legislative enactment, a citation to such act; (3) certified record evidence of the election, qualification, and the authority of the officer making entry; (4) the number of town-site occupants and claimants on each occupied Government subdivision; (5) the number of inhabitants in the town site; (6) the character, extent, and value of town-site improvements located on each Government subdivision; and (7) the date when the land was first used for town-site purposes.

AREA ENTERABLE

9. Entry can not be made hereunder of a greater quantity of land than 2,560 acres, unless the excess in area is actually settled upon, inhabited, improved, and used for business and municipal purposes.

CONFLICTING MINERAL CLAIMS

10. Under said sections 2386, 2392, and section 16 of the act of March 3, 1891 (26 Stat. 1101), the title to lands acquired hereunder will be subject to all valid prior rights to unpatented mining claims or possessions held under existing law, and paramount patents may be issued thereafter to such mineral claimants, notwithstanding the prior town-site patent.

All lands covered by patented minerals claims must be omitted from town-site entries hereunder. Government subdivisions of land, made fractional by the omission of such patented claims, will be designated by lot numbers on segregation diagram prepared by the district cadastral engineer.

PUBLIC RESERVATIONS

11. Reservations for the use of the United States Government are not subject to entry hereunder.

MILL SITES

12. The continued use and occupation within a town site of a duly located mill-site claim under section 2337, United States Revised Statutes, from a time prior to a settlement and occupation thereof for town-site purposes, will defeat the rights of the claimant under the town-site laws to any part of the land within such mill site.

RAILROAD RIGHTS OF WAY

13. Railroad rights of way and station grounds, when approved by the department, are subject to all valid rights existing at the date of filing the application for such rights of way or station grounds.

CHANGE IN METHOD OF ENTRY

14. Where proceedings have been had for the entry of lots under sections 2382 to 2386, inclusive, United States Revised Statutes, but no patent has issued thereunder, the occupants may avail themselves, if the town authorities choose to do so, of the provisions of said sections 2387 to 2389 and make proof and entry thereunder; provided, however, that in addition to the minimum price for the land applied for there shall be paid, before patent issues therefor, by the parties applying for such change of entry, all costs of surveying and platting such town site and expenses incident thereto incurred by the Government under the provisions of said sections 2382 to 2386. On application to this office the applicants will be informed of the amount of said expense to be paid in excess of the purchase price of the land in order to effectuate such change of entry.

ADDITIONAL ENTRIES

15. Where town-site entry has been or may hereafter be made, under the provisions of said sections 2387 to 2393, additional entries may be made, under the provisions of section 4 of the act approved March 3, 1877 (19 Stat. 392), of such contiguous tracts as may be occupied for town-site purposes, but such additional entry shall not, together with all prior entries made for such town site, be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section 2389; provided, however, that such area shall not exceed 2,560 acres. Such additional entries will be made in the same manner and under the same regulations as are herein provided for entries under said sections 2387 to 2393, inclusive.

ENTRY AND PAYMENT

16. When town-site proof has been submitted hereunder the register will, if he approves the same, forward it to the General Land Office with his recommendation thereon, without collecting the purchase money and without issuing the final papers. If the proof so submitted is found satisfactory the register will be notified thereof, and if no objections exist in his office he will notify the applicant thereof, and on payment of the minimum price fixed by the law for the purchase of the land he will issue the final papers.

TOWN SITES IN RECLAMATION PROJECTS

An Act Providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June seventeenth, nineteen hundred and two, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may withdraw from public entry any lands needed for town-site purposes in connection with irrigation projects under the

Town-site withdrawals under irrigation projects.

Maximum acreage, survey, etc. reclamation act of June seventeenth, nineteen hundred and two, not exceeding one hundred and sixty acres in each case, and survey and subdivide the same into town lots, with appropriate reservations for public purposes.

Appraisalment and sale of lots. SEC. 2. That the lots so surveyed shall be appraised under the direction of the Secretary of the Interior and sold under his direction at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisalment and sale, and the proceeds of such sales shall be covered into the reclamation fund.

Expenses and proceeds.

Improvement, etc., public reservations. SEC. 3. That the public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for public purposes.

Water rights.

SEC. 4. That the Secretary of the Interior shall, in accordance with the provisions of the reclamation act, provide for water rights in amount he may deem necessary for the towns established as herein provided, and may enter into contract with the proper authorities of such towns, and other towns or cities on or in the immediate vicinity of irrigation projects, which shall have a water right from the same source as that of said project for the delivery of such water supply to some convenient point, and for the payment into the reclamation fund of charges for the same to be paid by such towns or cities, which charges shall not be less nor upon terms more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water is taken.

Payment of charges.

* * * * *

Approved, April 16, 1906 (34 Stat. 116).

An Act Providing for the subdivision of lands entered under the reclamation act, and for other purposes

* * * * *

Disposal of town sites within irrigation projects.

SEC. 3. That any town site heretofore set apart or established by proclamation of the President, under the provisions of sections twenty-three hundred and eighty and twenty-three hundred and eighty-one of the Revised Statutes of the United States, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of the act of Congress approved April sixteenth, nineteen hundred and six, entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes

in connection with irrigation projects under the reclamation act of June seventeenth, nineteen hundred and two, and for other purposes"; and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund.

SEC. 4. * * * * * Providing that the limitation on the size of town sites contained in the act of April sixteenth, nineteen hundred and six, entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June seventeenth, nineteen hundred and two, and for other purposes," shall not apply to the town sites named in this section; and whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may withdraw and dispose of town sites in excess of one hundred and sixty acres under the provisions of the aforesaid act, approved April sixteenth, nineteen hundred and six, and reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of this act, and the aforesaid act of April sixteenth, nineteen hundred and six, and the proceeds of all sales of town sites shall be covered into the reclamation fund.

Limitation as to size not applicable.

Withdrawal of larger town sites.

* * * * *

Approved, June 27, 1906 (34 Stat. 519).

An Act Providing for the reappraisal of unsold lots in town sites on reclamation projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, whenever he may deem it necessary, to reappraise all unsold lots within town sites on projects under the reclamation act heretofore or hereafter appraised under the provisions of the act approved April sixteenth, nineteen hundred and six, entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June seventeenth, nineteen hundred and two, and for other purposes," and the act approved June twenty-seventh, nineteen hundred and six, entitled "An act providing for the subdivision of lands entered under the reclamation act, and for other purposes"; and thereafter to proceed with the sale of such town lots in accordance with said acts.

Reappraisal of unsold town lots under reclamation projects.

Sales.

SEC. 2. That in the sale of town lots under the provisions of the said acts of April sixteenth and June twenty-seventh, nineteen hundred and six, the Secretary of the Interior may, in his discretion, require payment for such

Manner of payment.

town lots in full at time of sale or in annual installments, not exceeding five, with interest at the rate of six per centum per annum on deferred payments.

Approved, June 11, 1910 (36 Stat. 465).

WITHDRAWALS—SURVEYS

1. The Commissioner of Reclamation shall from time to time recommend to the Secretary of the Interior, through the Commissioner of the General Land Office, the withdrawal and reservation of such lands for town-site purposes, under the acts of April 16 and June 27, 1906 (34 Stat. 116 and 519), as he may deem advisable. He shall, when in his judgment the public interests require it, from time to time, cause not less than a legal subdivision, according to the official township surveys, of the lands so reserved to be surveyed into town lots, with appropriate reservations for public purposes. The plats and field notes of such surveys shall be prepared in triplicate for each town site, and shall be submitted for the approval of the Commissioner of the General Land Office, who, after such approval, shall submit the original plat for the approval of the Secretary of the Interior.

TIME AND PLACE OF SALE, APPRAISEMENTS, ETC.

2. The Commissioner of Reclamation shall from time to time recommend to the Secretary of the Interior the sale, the time and place of sale, the appraisement, the appraisers to be appointed, the officer to superintend the sale, and the compensation of the appraisers and superintendent, and the newspapers for the publication of the notice of sale, of such portions of the surveyed lots as in his judgment the public interest may then require to be appraised and sold. The recommendations in this regulation above required shall be submitted through the Commissioner of the General Land Office for his concurrence or dissent. The Commissioner of the General Land Office shall prepare and submit to the Secretary of the Interior the details and appointments of the appraisers and the superintendent of sale in accordance with the approved recommendations, and when detailed or appointed he shall give them all necessary instructions; and he shall also prepare and transmit the notice of sale for publication. The report of the appraisers shall be transmitted to the Secretary of the Interior through the Commissioner of the General Land Office. The sale will be conducted in accordance with the general regulations under section 2381, United States Revised Statutes, and subject to the special regulations herein prescribed.

INSTALLMENT PAYMENTS

3. Whenever the Secretary of the Interior, in the exercise of the discretion conferred upon him by section 2 of the act of June 11, 1910 (36 Stat. 465), shall order the payment of the purchase price of lots, sold in town sites created under the laws in said act mentioned, to be

made in annual installments, the same will be done under such regulations as may be issued in each particular instance.

REAPPRAISEMENTS

4. In all cases where the Secretary of the Interior shall direct the reappraisal of unsold lots under the first section of the said act of June 11, 1910, the reappraisal will be conducted under the regulations provided for under the original appraisal of lots in town sites created under the laws in said act mentioned. The lots to be reappraised will not, from the date of the order therefor, be subject to disposal until offered at public sale at the reappraised value, which offering will be conducted under the regulations providing for the public sale of lots in such town sites.

ADDITIONAL TOWN SITES

5. The Commissioner of Reclamation from time to time in like manner may cause one or more additional legal subdivisions of the lands so reserved for town-site purposes to be so surveyed into town lots, with appropriate reservations for public purposes; and he shall submit such further recommendations for appraisal and sale, in accordance with these regulations, as he may deem necessary or advisable; and he may in like manner submit recommendations for the reappraisal and sale of lots previously offered for sale and remaining unsold, as authorized by act of June 11, 1910 (36 Stat. 465).

PUBLIC RESERVES

6. The public reservations in each town shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as a municipal corporation, said reservations shall be conveyed to such corporation in its corporate name, subject to the condition that they shall be used forever for public purposes. To secure such conveyances the municipality shall apply through its proper officer for a patent to such reservations, and furnish proof in manner, form, and substance as required under the regulations in this circular for patents to public reserves in Oklahoma town sites under section 22 of the act approved May 2, 1890 (26 Stat. 91).

GRANT OF LANDS IN RECLAMATION TOWN SITES FOR SCHOOL PURPOSES

An Act Granting lands for school purposes in Government town sites on reclamation projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby authorized, upon application by the proper officers of a school district located wholly or in part within

Public lands.
School districts
granted lands
within reclama-
tion town sites.

Proviso.
Reversion for
nonuser.

the boundaries of a project of the United States Reclamation Service, to issue patent conveying to such district such unappropriated undisposed of lands, not exceeding six acres in area, within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds: *Provided*, That if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States.

Received by the President, October 20, 1919. Referred to as act of October 31, 1919 (41 Stat. 326).

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

At any time after the approval of the survey of any Government reclamation town site and the subdivision thereof into town lots, with appropriate reservations for public purposes, a school district, in order to obtain title under the act of October 31, 1919, should file, through its proper officers, its application for patent to the unreserved, unappropriated, undisposed of lands it may desire, not exceeding 6 acres in area, therein specifically describing the same by lot and block numbers, as delineated and designated on the approved town-site plat; submit sufficient and satisfactory reasons showing that the area applied for is needed for its use; that the land is unappropriated and subject to disposition under the act, in order that this department may be fully advised that there is no adverse claim for the land applied for; and therewith furnish the certificate of the superintendent of public instruction, or other officer performing such function, having jurisdiction over the county in which the town site is situate, showing that the district is a duly organized district under the laws of the State and entitled to hold real estate in its corporate name.

The applicant must also procure and file with the application, at the time of the filing of the same or as early as practicable after the filing of such application, a statement by the project manager of the Reclamation Service having charge of the project in which the land is located, showing that the disposal of the land applied for will not in any manner interfere with said project, such statement having been previously approved by the Commissioner of Reclamation.

There is no limit to the number of applications which may be filed by a qualified school district, the only limitation being that the total acreage which may be patented to such a district shall not exceed 6 acres in area within any Government reclamation town site situated within such school district. Whenever, therefore, more than one application is filed by the same applicant, such applicant should refer by serial number, to all previous applications filed by it.

The application and proof must be filed in the district land office wherein the land applied for is situate, and if the register thereof finds the same sufficient under these regulations, and if the Reclamation Service makes favorable report upon the said application, the register will issue certificate entry, the same to provide that if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States.

TOWN SITES IN FORMER INDIAN RESERVATIONS IN OKLAHOMA

An Act To provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes

* * * * *

SEC. 22. That the provisions of title thirty-two, chapter eight of the Revised Statutes of the United States¹ relating to "reservation and sale of town sites on the public lands" shall apply to the lands open, or to be opened to settlement in the Territory of Oklahoma, except those opened to settlement by the proclamation of the President on the twenty-second day of April, eighteen hundred and eighty-nine: *Provided*, That hereafter all surveys for town sites in said Territory shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes, embracing in the aggregate not less than ten nor more than twenty acres; and patents for such reservations, to be maintained for such purposes, shall be issued to the towns, respectively, when organized as municipalities: *Provided further*, That in case any lands in said Territory of Oklahoma, which may be occupied and filed upon as a homestead, under the provisions of law applicable to said Territory, by a person who is entitled to perfect his title thereto under such laws, are required for town-site purposes, it shall be lawful for such person to apply to the Secretary of the Interior to purchase the lands embraced in said homestead or any part hereof for town-site purposes. He shall file with the application a plat of such proposed town site, and if such plat shall be approved by the Secretary of the Interior, he shall issue a patent to such person for land embraced in said town site, upon the payment of the sum of ten dollars per acre for all the lands embraced in such town site, except the lands to be donated and maintained for public purposes as provided in this section. And the sums so received by the Secretary of the Interior shall be paid over to the proper authorities of the municipalities when organized, to be used by them for school purposes only.

Town sites.
R. S., Title
XXXII, chap. 8,
pp. 436-438.

Limitation.

Provided.
Reservations
for parks, schools,
etc.

Homesteads re-
quired for town
sites, etc.
Rights of bona
fide occupants.

Procedure.

Payment.

Distribution
for school pur-
poses.

Approved May 2, 1890 (26 Stat. 81, 91).

¹ Secs. 2380 to 2394, inclusive.

An Act To provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a town site, or an addition to a town site, entered under the provisions of section twenty-two of an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May second, eighteen hundred and ninety, shall be vacated in accordance with the laws of the Territory of Oklahoma, and patents for the public reservations in such vacated town site, or addition thereto, have not been issued, it shall be lawful for the Commissioner of the General Land Office, upon an official showing that such town site, or addition thereto, has been vacated, and upon payment of the homestead price for such reservations, to issue a patent for such reservations to the original entryman.

Oklahoma.
Homestead en-
try authorized on
vacated town
sites.
Vol. 26, p. 91.

If the original entryman shall fail or neglect to make application for the reservations within six months from the vacation of such town site, or from the passage of this act, the reservations shall be subject to disposal under the provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States, as amended by the act approved February twenty-sixth, eighteen hundred and ninety-five.

Sales in open
market.
R. S., sec. 2455,
p. 449.
Vol. 28, p. 687.

Public sales of
vacated lands.

SEC. 2. That if a patent has already issued, or shall hereafter issue, for any such reservation, to any town or municipality, such town or municipality, upon the vacation of the town site or addition thereto, as aforesaid, may sell the same at public or private sale to the highest bidder after thirty days' public notice of such sale, and convey said lands to the purchaser by proper deed of conveyance, and cover the proceeds of such sale into the school fund of such town or municipality: *Provided,* That where, by reason of the vacation of an entire town site and all its additions, the municipal organization has ceased to exist, the reservations in such vacated town site which may have been patented to the town may be disposed of as isolated tracts under the provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States, as amended by the act approved February twenty-sixth, eighteen hundred and ninety-five.

Proviso.
Sales of iso-
lated tracts.

R. S., sec. 2455,
p. 449.
Vol. 28, p. 687.

Repeal.

SEC. 3. That all laws and parts of laws, in so far as they conflict with this act, are hereby repealed.

Approved, May 11, 1896 (29 Stat. 116).

An Act Providing for the commutation for town-sites purposes of homestead entries in certain portions of Oklahoma

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of section twenty-two of the act approved May second, eighteen hundred and ninety, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," providing for the commutation for town-site purposes of homestead entries in certain instances, be, and the same is hereby, made applicable to the lands in the Territory of Oklahoma ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians, under agreements, respectively, ratified by the acts of Congress of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred.

Oklahoma Territory.

Lands ceded by Wichita, etc., Indians open to commutation town-site entries. Vol. 26, p. 91.

Vol. 28, p. 894.
Vol. 31, p. 676.

Approved, March 11, 1902 (32 Stat. 63).

TOWN-SITE ENTRIES

1. The entry of lands in former Indian reservations in Oklahoma for town-site purposes is governed by section 22 of the act of May 2, 1890 (26 Stat. 81, 91), and the act of March 11, 1902 (32 Stat. 63).

Town-site entries made under section 22 of the act of May 2, 1890, must conform to the applicable regulations herein provided for entries under sections 2380 to 2394, inclusive, United States Revised Statutes, but in addition proof of the requirements made in the said section 22 and in the special regulations issued thereunder approved August 7, 1909 (38 L. D. 92, 115), must be furnished. The regulations are not reprinted here because there is but little present need for reference thereto.

ENTRY OF PUBLIC RESERVES IN EXISTING OKLAHOMA TOWN SITES

2. Applications for patents to the tracts reserved for public purposes, in all towns in Oklahoma created under said section 22 or under any other act where tracts have been reserved for such purposes under said section 22, may be filed on behalf of the municipalities whose corporate limits cover the land in which such reservations are situated. The application should be made by the mayor or other proper municipal officer and describe the reservations to be patented according to the approved plats of said town site, and the same should be accompanied with the proof of the municipal organization of the town similar to that above provided for the disposition of the proceeds derived from the commutation of homestead entries for

town-site purposes under said section 22, and proof must also be filed therewith of the authority of the officer filing the application to make the same with the proper record evidence of his election and qualification as such officer. The application and proof must be filed in the district land office; and if the register thereof find the same sufficient under these regulations, he will issue the certificate of entry in the form provided therefor.

ENTRY OF PUBLIC RESERVES IN VACATED OKLAHOMA TOWN SITES

3. Under the act approved May 11, 1896 (29 Stat. 116), where a town site or an addition to a town site in a homestead commuted to a town-site entry under the second proviso of section 22 of the act approved May 2, 1890 (26 Stat. 91), has been vacated under the laws of Oklahoma and patents for the public reservations therein have not been issued such reservations will be disposed of in the following manner:

(1) *Application and proof by the original entryman.*—Application for a patent to such reservations may be filed by the original entryman within six months from the vacation of the town site, and proof must be filed by him, with the register, of the due vacation of such town site in accordance with the requirements of the laws of Oklahoma, which proof must consist of a copy of the record evidence of such vacation duly certified. Such proof must also be accompanied with evidence that the corporate authorities of the municipality, if one be organized, in which the reservations were situated prior to such vacation, have been personally served 30 days prior to making such proof with notice of the application and of the date the proof will be made. If the proof be found sufficient the entry will be allowed for the reservations as described in the town-site plat upon receipt of the payment of the homestead price. If the municipality is represented at the time of making proof, it may be heard in opposition to the application and decision be rendered thereon subject to appeal as in other cases.

(2) *Reservations disposed of as isolated tracts.*—In case of the failure of the original entryman to apply for patent to such reservations within six months from the vacation of such town site, or in case such reserves have been patented to the municipality and it has ceased to exist by reason of such vacation, the reservations will be disposed of as isolated tracts under the provisions of section 2455, United States Revised Statutes, and the acts amendatory thereof, and the regulations issued thereunder.

SALE OF PATENTED PUBLIC RESERVES IN VACATED OKLAHOMA TOWN SITES

4. Reservations may be sold by an existing municipal corporation, upon the vacation of the town site, where patent has been issued to such municipality therefor; the proceeds of such sale to be covered into the school fund of such corporation. See *City of Enid* (30 L. D. 352).

TOWN SITES IN FORMER INDIAN RESERVATIONS IN MINNESOTA

An Act To extend the provisions of chapter eight, title thirty-two, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter eight, title thirty-two, of the Revised Statutes of the United States,¹ entitled "Reservation and sale of town sites on the public lands," be, and is hereby, extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. This act shall take effect and be in force from and after its passage.

Public lands.
Town-site en-
tries extended to
ceded Indian
lands in Minne-
sota.
R. S., Title
XXXII, ch. 8, p.
435.

Approved, February 9, 1903 (32 Stat. 820).

NOTE.—Town sites on ceded Indian lands in Minnesota will be disposed of in accordance with regulations herein prescribed for town sites created or disposed of under sections 2380 to 2394, inclusive, United States Revised Statutes.

TOWN SITES IN FORMER INDIAN RESERVATIONS IN STATES OTHER THAN OKLAHOMA AND MINNESOTA

Authority for the survey and disposal of town sites in former Indian reservations, in States other than Oklahoma and Minnesota, is contained in the acts of Congress authorizing the survey and disposal of lands in such reservations.

Below is noted a list of reservations and the acts of Congress authorizing the establishment of town sites therein:

RESERVATION	ACT OF CONGRESS
Blackfeet, Mont.....	Mar. 1, 1907 (34 Stat. 1015, 1039).
Cheyenne River, S. Dak.....	May 29, 1908 (35 Stat. 461, 463).
Coeur d'Alene, Idaho.....	June 21, 1906 (34 Stat. 325, 337).
Colorado River, Ariz. and Calif.....	Apr. 30, 1908 (35 Stat. 70, 77).
Colville, Wash.....	Mar. 22, 1906 (34 Stat. 80, 82).
Crow, Mont.....	Apr. 27, 1904 (33 Stat. 360, 361).
Flathead, Mont.....	June 21, 1906 (34 Stat. 325, 354).
Fort Belknap, Mont.....	Mar. 3, 1921 (41 Stat. 1355, 1356).
Fort Berthold, N. Dak.....	June 1, 1910 (36 Stat. 456, 457).
Fort Hall, Mont.....	May 31, 1918 (40 Stat. 592).
Fort Peck, Mont.....	May 30, 1908 (35 Stat. 561, 563).
Pine Ridge, S. Dak.....	May 27, 1910 (36 Stat. 440, 441).
Rosebud, S. Dak.....	Mar. 2, 1907 (34 Stat. 1230, 1231).
Rosebud, S. Dak.....	May 30, 1910 (36 Stat. 448, 449).
Shoshone, Wyo.....	Mar. 3, 1905 (33 Stat. 1020, 1021).
Spokane, Wash.....	May 29, 1908 (35 Stat. 458, 459).
Standing Rock, N. Dak. and S. Dak.....	May 29, 1908 (35 Stat. 461, 463).
Standing Rock, N. Dak.....	Feb. 14, 1913 (37 Stat. 675, 676).
Uintah, Utah.....	Mar. 3, 1905 (33 Stat. 1048, 1069).
Walker River, Nev.....	May 27, 1902 (32 Stat. 245, 261).
Wind River, Wyo.....	Mar. 3, 1905 (33 Stat. 1020, 1021).
Yuma, Ariz.....	Apr. 30, 1908 (35 Stat. 70, 77).

¹ Secs. 2380 to 2394, inclusive.

TOWN SITES ON MINERAL LANDS ¹

United States Revised Statutes

No title acquired to gold mine or mining claim.

Mar. 2, 1867, 14 S. 541; June 8, 1868, 15 S. 67; June 23, 1874, 18 S. 254.

SEC. 2392. No title shall be acquired, under the foregoing provisions of this chapter, to any mine of gold, silver, cinnabar, or copper; or to any valid mining-claim or possession held under existing laws.

An Act To repeal timber-culture laws and for other purposes.

* * * * *

Town-site entries on mineral lands not to include mining rights.

SEC. 16. That town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral veins may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

Prior right of surface owner.

* * * * *

Approved, March 3, 1891 (26 Stat. 1095-1101).

The general town-site laws, comprised in sections 2380 to 2394, United States Revised Statutes, authorize the entry of town sites, or the sale of lots therein, upon public lands which may include unpatented mineral claims, but the rights of mineral claimants upon any land entered or sold under said town-site laws are expressly protected by sections 2386 and 2392. These two sections recognize the superior rights, as against any town-site claimant—whether corporate, community, or individual—of all claimants for mineral veins possessed agreeably to local custom, or for any valid mining claim or possession held under existing law. The precedence and superiority so accorded to mineral claims, however, depend in final analysis upon the question of fact whether, at date of town-site entry or lot sale, the lands claimed under the mining laws were “known to contain minerals of such extent and value as to justify expenditures for the purpose of extracting them” (39 L. D., 356). Where an affirmative showing in such behalf is made in due course by the mineral claimant, his right to a patent for the land (subject to

¹ Also see sec. 2386, United States Revised Statutes, p. 5.

the distinction hereinafter noted as to incorporated towns) will not be prejudiced by any previous town-site entry, deed, or patent covering the same land (26 L. D. 144; 29 L. D. 426; 32 L. D. 211; 34 L. D. 276 and 596).

Under said general town-site laws, as construed by the department and the courts, an entry including unpatented mineral lands may be made for an incorporated town as well as for an unincorporated town, the law requiring that in the former case the entry shall be made by the corporate authorities, and in the latter by the county judge (34 L. D. 24). While such general right of entry by or for incorporated towns and cities is therefore independent of anything contained in sec. 16 of the act of March 3, 1891 (26 Stat. 1095), it will be seen that that section in terms announces the right to enter mineral lands. The protection afforded to mineral claims by the body of sec. 16 is similar to that given generally in said sections 2386 and 2392, Revised Statutes, but the proviso to section 16 is as follows:

Provided, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

The department has never viewed said proviso as warranting, under any circumstances, the allowance of entry for a mineral vein independently of "the surface ground appertaining thereto," nor is such an entry provided for in the general mining laws. But said proviso creates one distinction between unincorporated and incorporated towns as regards the relative rights of town-site occupants and mineral claimants, which is, that whereas the town-site patent will, in either case, carry absolute title to any mineral not known to exist at the date of town-site entry, the adverse rights of mineral and town-lot claimants within incorporated towns are hinged upon priority of initiation. That is to say, that after entry is made for such town, no entry by a mineral-vein applicant will be allowed for any land owned and occupied under the town-site law by a party whose possession antedated the inception of the mineral applicant's claim, even though such land was known, at date of the town-site entry, to contain valuable minerals.

Subject to the distinction above noted, the foregoing principles apply to all mineral claims within town sites entered or disposed of under any of the laws above mentioned, and also to mineral claims within town sites disposable under special acts containing no reference to the rights of mining claimants.

The law does not require that town-site entries shall exclude any mineral claim or possession except such as may have been patented (29 L. D. 21). Mineral claims which have not been patented may be excluded from a town-site entry at the option of the town-site applicant, who must, in that event, furnish satisfactory proof that the exclusion covers a "valid mining claim or possession held under existing law" (33 L. D. 542). The exclusion of a mill-site claim from a town-site entry is necessary only in cases where the mill-site claimant shall have been in occupation of the ground, under regular location, from a time antedating its occupation for town-site pur-

poses. The issue of priority in such cases may be raised by the town-site applicant, the mill-site claimant, or the Government.

COUNTY-SEAT TOWN SITES

Preemption by
counties for seats
of justice.

May 26, 1824,
4 S. 50.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of preemption to one quarter section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein, but the proceeds of the sale of each of such quarter sections shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

NOTE.—The instructions contained in circular of Aug. 7, 1909 (38 L. D. 92, 107), will be followed in connection with applications for county-seat town sites. The regulations are not reprinted here because there is but little present need for reference thereto.

United States Revised Statutes

LIMITS OF RESERVATIONS FOR TOWN SITES

An Act Respecting the limits of reservation for town sites upon the public domain

Quantity of
land excluded
from preemption
by town site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existence or incorporation of any town upon the public lands of the United States shall not be held to exclude from preemption or homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town site under existing laws, unless the entire tract claimed or incorporated as such town site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used for business and municipal purposes.

Certain entries
within town sites
confirmed.

SEC. 2. That where entries have been heretofore allowed upon lands afterwards ascertained to have been embraced in the corporate limits of any town, but which entries are or shall be shown, to the satisfaction of the Commissioner of the General Land Office to include only vacant unoccupied lands of the United States, not settled upon or used for municipal purposes, nor devoted to any public use of such town, said entries, if regular in all respects are hereby confirmed and may be carried into patent: *Provided*, That this confirmation shall not operate to restrict the entry of any town site to a smaller area than the maximum quantity of land which by rea-

son of present population it may be entitled to enter under said section twenty-three hundred and eighty-nine of the Revised Statutes.

SEC. 3. That whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section one of this act the Commissioner of the General Land Office may require the authorities of such town, and it shall be lawful for them, to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from preemption and homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead and preemption laws. And upon default of said town authorities to make such selection within sixty days after notification by the commissioner, he may direct testimony respecting the actual location and extent of said improvements to be taken by the register and receiver of the district in which such town may be situated; and, upon receipt of the same, he may determine and set off the proper site according to section one of this act, and declare the remaining lands open to settlement and entry under the homestead and preemption laws; and it shall be the duty of the secretary of each of the Territories of the United States to furnish the surveyor general of the Territory for the use of the United States a copy duly certified of every act of the legislature of the Territory incorporating any city or town, the same to be forwarded by such secretary to the surveyor general within one month from date of its approval.

Where town site exceeds maximum.

Copies of acts incorporating towns, how to be furnished.

* * * * *

Approved March 3, 1877 (19 Stat. 392).

LANDS NOT SUBJECT TO TOWN-SITE RESERVATION OR ENTRY

United States Revised Statutes

SEC. 2393. The provisions of this chapter shall not apply to military or other reservations heretofore made by the United States, nor to reservations for light-houses, customhouses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the land office by title derived from the Crown of Spain, or otherwise.

Military or other reservations.

Mar. 2, 1867, 14 S. 541; Feb. 28, 1877, 19 S. 264.

RIGHTS OF TRANSFEREES OF TOWN LOTS

An Act Providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assem-

Town lot patents may issue to assignees.

bled, That in all cases where town lots were sold by the United States at public sale, and the purchaser at such sale had transferred his interests in any such lot prior to the eleventh day of October, nineteen hundred and eleven, and patent has not been issued in the name of the original purchaser, the Commissioner of the General Land Office may issue a patent in the name of the transferee where full payment of the purchase price has been made and satisfactory evidence of the transfer has been furnished: *Provided*, That it be shown that the original purchaser is dead, or that after due inquiry his whereabouts can not be ascertained, and that the instrument of transfer given by the original purchaser has been lost or destroyed.

Approved, July 9, 1914 (38 Stat. 454).

The purchaser of a town lot, which is sold on the installment plan, may transfer his equitable interest in the lot, prior to the payment of the last installment of the purchase price, but the Government will not recognize anyone but the original purchaser and will issue all necessary papers and also the patent in his name. By such course, the Government is relieved of all unnecessary responsibility and the patent, when issued, inures to the benefit of the transferee.

Formerly patents were issued to transferees, but based on departmental instructions of October 11, 1911, patents are now issued only in the names of the original purchasers, except where their issuance to transferees is authorized by the act of July 9, 1914 (38 Stat. 454), and instructions thereunder approved August 5, 1914 (43 L. D. 361).

TOWN SITES IN ALASKA

Information relative to the special town site laws which have been enacted relating to the disposition of lands as town sites in the Territory of Alaska is contained in Circular No. 491.

TOWN-SITE PLATS

Photolithographic copies of town-site plats will be furnished, when available, at the rate of 50 cents each.

ACQUISITION OR HOLDING OF TOWN LOTS IN THE TERRITORIES BY ALIENS

An Act To better define and regulate the rights of aliens to hold and own real estate in the Territories

* * * * *

Town lots or mining claim may be acquired.

SEC. 2. * * * This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

* * * * *

Approved, March 2, 1897 (29 Stat. 618).

PARKS AND CEMETERIES

SALE OF PUBLIC LANDS TO CITIES AND TOWNS FOR PARKS AND CEMETERIES

An Act To authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase for cemetery and park purposes not exceeding one-quarter section of public lands not reserved for public use, such lands to be within three miles of such cities or towns: *Provided,* That when such city or town is situated within a mining district, the land proposed to be taken under this act shall be considered as mineral lands, and patent to such lands shall not authorize such city or town to extract mineral therefrom, but all such mineral shall be reserved to the United States, and such reservation shall be entered in such patent.

Cities may purchase certain lands for cemeteries and parks.

Three-mile limit.

Mineral lands.

Approved, September 30, 1890 (26 Stat. 502).

ENTRY OF SURVEYED LAND

1. The right of entry under the act approved September 30, 1890 (26 Stat., 502), is restricted to incorporated cities and towns, and each of such cities and towns shall be allowed to make entries of tracts of unreserved and unappropriated public land, including land in Alaska, by Government subdivisions, not exceeding, in all entries hereunder by such city or town, a quarter section in area, all of which must lie within 3 miles of the corporate limits of the city or town for which the entries are made.

ENTRY OF UNSURVEYED LAND

2. If the public surveys have not been extended over the land sought by any city or town under the provisions of said act, it shall first be necessary for the proper corporate authority to apply to the district cadastral engineer of the district in which the tract in question is located for a special survey of the outboundaries of such tract. The application should describe the character of the land sought to be surveyed and, as accurately as possible, its area and geographical location. Tracts covered by such special surveys must be as nearly as practicable in square form, and entries of the same

will not be allowed until after the surveys shall have been approved by the district cadastral engineer and accepted by the Commissioner of the General Land Office. The current appropriation for "surveying the public lands" being applicable to the survey of lines of reservations, as well as to the extension of the ordinary lines of the system of public-land surveys, the cost of the surveys of all unsurveyed lands selected under the provisions of said act of September 30, 1890, will be paid for out of said appropriation, the same as the special surveys of the outboundaries of town sites and for like reasons (see case of Fort Pierre, 18 C. L. O. 117), and the surveyors who execute such special surveys will report whether the land is either mineral in character or within an organized mining district.

APPLICATION AND PROOF

3. An application for the purposes indicated herein can only be made by the municipal authorities of an incorporated city or town; and in all cases the entries will be made and patents issued to the municipality in its corporate name, for the specific purpose or purposes mentioned in said act.

The land must be paid for at the Government price per acre, after proof has been furnished satisfactorily showing—

(1) Thirty days' publication of notice of intention to make entry, in the same manner as in homestead and other cases. (38 L. D. 131, 40 L. D. 459, and 43 L. D. 216.)

(2) The official character and authority of the officer or officers making the entry.

(3) A certificate of the officer having custody of the record of incorporation, setting forth the fact and date of incorporation of the city or town by which entry is to be made, and the extent and location of its corporate limits.

(4) The testimony of the applicant and two published witnesses to the effect that the land applied for is vacant and unappropriated by any other party, and as to whether the same is either mineral in character or located within an organized mining district or within a mining region.

(5) In case the land applied for is described by metes and bounds, as established by a special survey of the same, that the applicant and two of the published witnesses have testified from personal knowledge obtained by observation and measurements that the land to be entered as wholly within 3 miles of the corporate limits of the city or town for which entry is to be made.

CERTIFICATES

4. Where the proof shows that the land is mineral in character, located in a mining district, or is within a region known as mineral lands, the certificate of entry shall contain the following proviso:

Provided, That no title shall be hereby acquired to any mineral deposits within the limits of the above-described tract of land, all such deposits therein being reserved as the property of the United States.

SALE OF PUBLIC LANDS TO ASSOCIATIONS AND CORPORATIONS FOR CEMETERIES

An Act To authorize the sale of public lands for cemetery purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to any religious or fraternal association, or private corporation or association by the laws under which such corporation or association is organized or incorporated to hold real estate for cemetery purposes, not to exceed eighty acres of any unappropriated nonmineral public lands of the United States for cemetery purposes, upon the payment therefor by such corporation or association of the sum of not less than one dollar and twenty-five cents per acre: *Provided,* That title to any land disposed of under the provisions of this act shall revert to the United States should the land or any part thereof be sold or cease to be used for the purpose herein provided.

Sale of public
lands for ceme-
teries.

Approved, March 1, 1907 (34 Stat. 1052).

ENTRY OF SURVEYED LAND

1. Under the act approved March 1, 1907 (34 Stat. 1052), the right to purchase public land for cemetery purposes is limited to religious, fraternal, and private corporations or associations, empowered to hold real estate for cemetery purposes by the laws under which they are organized. Such corporation or association shall be allowed to make but one entry of not more than 80 acres of contiguous tracts by Government subdivisions of nonmineral, unreserved, and unappropriated public land, including public land in Alaska.

ENTRY OF UNSURVEYED LAND

2. If the public surveys have not been extended over the land so sought to be entered, the corporation or association should first apply to the proper district cadastral engineer for a special survey of the exterior lines of the tract desired, describing the topographical character of the land and its area and geographical location as accurately as possible. Such tracts must be as nearly as practicable in a rectangular form, and after the survey and plat thereof has been made, approved by the district cadastral engineer, accepted by the General Land Office, and filed in the district office, application may then be made for the entry of the land under said act. The cost of such surveys will be paid out of the current appropriation for "surveying the public lands," and the deputies employed will report whether the land is mineral in character.

PROOF

3. The proof must satisfactorily show—

(1) The filing of a notice of intention to make proof, the issuance, in manner and form so far as possible as in other cases provided,

of the publication notice, to be published and posted for the time and in the manner provided by the act of March 3, 1879 (20 Stat. 472), and the regulations thereunder (38 L. D. 131, 40 L. D. 459, 43 L. D. 216).

(2) The official character of the officer or officers applying on behalf of the association or corporation to make the entry, and his or their express authority to do so conferred by action of the association.

(3) A copy of the record, certified by the officer having charge thereof, showing the due incorporation and organization and date thereof of the association or corporation and its location and address. The law under which it is organized and by which it derives its authority to hold real estate for cemetery purposes must also be cited.

(4) That the land applied for is nonmineral, vacant, and unappropriated public land, and the extent to which it is used for cemetery purposes, and when first so used, if it is so used, which must be shown by the testimony of the applicant and two of the advertised witnesses.

PRICE

4. The land must be paid for at such price per acre as shall be determined by the Commissioner of the General Land Office, provided that in no case shall the price be less than \$1.25 per acre.

PROCEDURE

5. Entries under this act must issue to the association or corporation in its corporate name, and the granting clause in the certificate should state that the patent to be issued for the tract described is "for cemetery purposes, subject to reversion 'to the United States should the land or any part thereof be sold or cease to be used for the purpose' in said act provided." Inasmuch, however, as the Commissioner of the General Land Office determines the amount of the purchase price under the existing conditions in each particular case, the register will, when proof is made to his satisfaction, immediately forward such proof to the General Land Office with his recommendation thereon without collecting any money as the purchase price and without issuing the final papers. If said office finds the proof satisfactory, the commissioner will fix the purchase price, and the register will, on being notified thereof and no objection appearing thereto in his office, notify the applicant of the amount required and allow him 30 days from service of such notice to pay such purchase price, and on receipt thereof cash certificate will be issued.

RECREATIONAL SITES, ETC.

ACQUISITION OR USE OF PUBLIC LANDS BY STATES, COUNTIES, OR MUNICIPALITIES FOR RECREATIONAL PURPOSES

An Act To authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to withhold from all forms of appropriation unreserved nonmineral public lands, which have been classified by him as chiefly valuable for recreational purposes and are not desired for Federal administration, but only after a petition requesting such withdrawal has been signed and filed by the duly constituted authorities of the States or of the county or counties within which the lands are located, and to accept title on behalf of the United States from any States in and to lands granted by Congress to such State, and in exchange therefor to patent to such State an equal quantity or value of surveyed land so withheld and classified, any patent so issued to contain a reservation to the United States of all mineral deposits in the land conveyed and of the right to mine and remove same, under regulations to be established by the Secretary, and a provision for reversion of title to the United States upon a finding by the Secretary of the Interior that for a period of five consecutive years such land has not been used by the State for park or recreational purposes, or that such land or any part thereof is being devoted to other use: *Provided*, That lands so withheld and classified may, in the discretion of the Secretary of the Interior, be also held subject to purchase and may be purchased by the State or county in which the lands are situated, or by an adjacent municipality in the same State, at a price to be fixed by the Secretary of the Interior, through appraisal or otherwise, subject to the same reservation of mineral deposits and the same provision for reversion of title as are prescribed for conveyances to the States in consummation of exchanges hereby authorized, or be held subject to lease and may be leased to such States, counties, or municipalities for recreational use at a reasonable annual rental for a period of twenty years, with privilege of renewal for a like period. And the Secretary of the

Public lands.
Patents of, authorized to States, etc., for recreational purposes, in exchange for lands therefrom.

Mineral deposits, etc., reserved.

Reversion for nonuser, etc.

Provisos.
Purchase by States in lieu of exchange.

Leases authorized.

Rules to be prescribed.

Report to Congress of lands exchanged.

Interior is hereby authorized to make all necessary rules and regulations for the purpose of carrying the provisions of this act into effect: *Provided further*, That the Secretary of the Interior shall for each year make a report to Congress giving in detail a list of lands exchanged under the provisions of this act.

Approved, June 14, 1926 (44 Stat. 741).

LANDS SUBJECT TO WITHDRAWAL

1. Unreserved nonmineral public lands not desired for Federal administration, surveyed or unsurveyed, exclusive of those situated in the Territory of Alaska, may be withheld from appropriation in aid of the classification and disposition or use authorized by the act of June 14, 1926 (44 Stat. 741), upon a proper petition therefor. Any withdrawal for such purpose will, however, be subject to valid existing appropriations under the public land laws legally maintained. The land must be surveyed before title may be acquired. The duration of these withdrawals will depend upon the good faith shown by the petitioners in prosecuting the necessary preliminary work in connection with the recreational project involved.

PETITIONS

2. Petitions for such withdrawal should be addressed to the Secretary of the Interior and filed in duplicate in the proper district land office, should describe the land desired withdrawn by legal subdivisions, if surveyed, or by metes and bounds in conformity with the regulations approved November 6, 1909 (38 L. D. 287), if unsurveyed, and contain a statement that the area is unoccupied and nonmineral and chiefly valuable for recreational purposes. Such petitions should set forth the plan of recreational development proposed, giving details as to any contemplated improvements, state whether acquisition is sought through exchange or purchase, or whether a lease is desired, and should contain proof or a citation of the authority of the official or officials signing the petition to act for the State or county or counties when a State or county recreational project is involved, or of the authority of either State or county officials to submit the petition in behalf of a municipality when a municipal project is concerned. In event that acquisition is sought through exchange, the petition of the State seeking the exchange should contain a description of the State land proffered as a basis therefor. The registers of the district land offices will not assign serial numbers to these petitions and will upon receipt forward them by special letter to the Commissioner of the General Land Office for action.

ACTION BY DIVISION INSPECTORS

3. In event of favorable action upon such a petition, the proper division inspector will, if necessary, be instructed to cause an examination to be made to determine whether the withdrawn land is nonmineral and chiefly valuable for recreational purposes and will thereafter submit report to the Commissioner of the General Land

Office. The report submitted will also contain information as to the comparative values of the public and State lands involved when an exchange is proposed. In order that the department may determine a proper charge in case purchase or lease is desired the division inspector will ascertain and report what is a fair and reasonable price per acre or annual rental for the area, taking into consideration the purpose for which it is to be used. The Commissioner of the General Land Office will forward such reports to the Secretary of the Interior with recommendation.

APPLICATIONS

4. The Commissioner of the General Land Office will notify the register of the district land office in which the land is situated of the findings of the department and the register will then advise the State, county, or municipality which has requested the withdrawal thereof. Thereafter, in event the land has been found subject to use or acquisition under the law, such State, county, or municipality may file formal application for the land in the district land office, and all such applications will be given current serial numbers, noted upon the records and transmitted with the returns from that office. No fixed forms of applications have been prepared, but these instructions should be followed as nearly as possible.

The application of a State for an exchange should follow in so far as applicable the form used by the State in making application for indemnity for losses in its school grant where the land tendered as a basis has been granted to the State by the United States for school or other purposes and has thereafter remained the property of the State. A deed of relinquishment of the base land must be executed by the proper State officer or officers and duly recorded. Such deed must be accompanied by a certificate of the officer, or officers, of the State charged with the care and disposal of the land reconveyed, showing that same has not been alienated or contracted to be alienated in any way by the State, that the said land is not in the possession of, or subject to the claim of any third party under any law or permission of the State, and that except for such conveyance the title of the State is unimpaired, together with a certificate of the recorder of deeds or official custodian of the records of transfers of real estate in the proper county, or a duly authenticated abstract of title, showing that at the time the reconveyance was recorded the title was in the State making the conveyance and that the land was free from encumbrances of any kind.

There should be tendered with the application of a State, county, or municipality to purchase or lease lands withdrawn under this law the amount fixed as the purchase price or as annual rental therefor. Such application should contain proof or a citation of the authority of the official or officials signing the application to represent the State, county, or municipality in the transaction. In so far as applicable the general regulations of the department governing the execution of contracts will be followed in the preparation of leases issued. The proceeds from sales or leases will be credited to "Sales of public lands" except in those instances in which other provision has been made in the laws authorizing disposition of the land.

Applications presented under these regulations not in substantial conformity with the requirements herein made and not accompanied by the prescribed proof will be rejected subject to appeal or curing the defect where possible.

RESERVATIONS AND CONDITIONS

5. Any patent or lease issued to a State, county, or municipality will contain the mineral reservation and forfeiture provision prescribed by the law. No provision is made at this time for development of the reserved mineral deposits in lands to be conveyed or leased under the terms of this law, and until such regulations shall have issued the reserved deposits will not be subject to disposition.

RESERVATION OF PUBLIC LANDS IN RECLAMATION PROJECTS FOR COUNTRY PARKS, PUBLIC PLAYGROUNDS, AND COMMUNITY CENTERS

An Act To authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to withdraw from other disposition and reserve for country parks, public playgrounds, and community centers for the use of the residents upon the lands such tracts as he may deem advisable not exceeding twenty acres in any one township in each reclamation project or the several units of such reclamation projects undertaken under the act of June seventeenth, nineteen hundred and two, known as the reclamation act.

Lands in reclamation projects reserved for country parks, etc.

Free water supply.

SEC. 2. That subject to the provisions hereinafter contained every such tract of land so set apart shall be supplied with water from the Government irrigation system, the cost thereof to be charged to the remaining lands of the project as a part of the construction charge of such project, and shall be maintained and used in perpetuity by the people upon said reclaimed lands for a pleasure park, public playground, and community center.

Contracts with irrigation organizations.

SEC. 3. That for the purpose of carrying out and effecting the objects of this act the Secretary of the Interior is authorized to enter into a contract with the organization formed by the owners of the lands irrigated within said project or project unit pursuant to section six of the act of June seventeenth, nineteen hundred and two, stipulating and providing that the organization will maintain and use such of the lands so reserved for the purposes prescribed in this act as such organization may desire, and that upon failure to so maintain and use such lands, or in the event that same shall be permitted to be used or occupied for other purposes than those stipu-

lated in this act, the control of the lands shall revert to the United States.

SEC. 4. That any of such lands not contracted for in accordance with the provisions of section three of this act within ten years from the time water is available for the same, or sooner, if the Secretary of the Interior may deem it desirable, shall be disposed of in accordance with the public-land laws applicable thereto, and the proceeds from the disposition of lands reverting to the United States under the provisions of this act, and from sales of water rights, shall be covered into the reclamation fund and placed to the credit of the project wherein the lands are situate.

Disposal of lands not taken.

Approved, October 5, 1914 (38 Stat. 727).

LEASING OF PUBLIC LANDS NEAR SPRINGS, FOR ERECTION OF BATH HOUSES, HOTELS, OR OTHER IMPROVEMENTS

An Act To authorize the Secretary of the Interior to lease certain lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bath houses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: *Provided*, That permits or leases hereunder shall be for periods not exceeding twenty years.

Public lands.
Lease permitted for bath houses, hotels, etc., adjacent to mineral springs, etc., on public lands.

Provided.
Term of leases.

Approved, March 3, 1925 (43 Stat. 1133).

The filing of applications under the act of March 3, 1925 (43 Stat. 1133) and action on such applications, will be governed by the following regulations:

LESSEES

1. Leases may issue under the act to any responsible persons or associations, which words are construed to include private corporations and municipalities.

LANDS TO WHICH APPLICABLE

2. Leases may issue for surveyed or unsurveyed unreserved public lands in the several States, and in Alaska, situated near or adjacent to mineral, medicinal, or other springs, which are located upon unreserved public lands and for public lands which have been withdrawn for the protection of such springs.

APPLICATION FOR LEASE

3. An application for lease should be made in duplicate, should be under oath and should cover or include the following:

(a) Applicant's name and address.

(b) If applicant is a private corporation, a certified copy of the articles of incorporation.

(c) If applicant is a municipality, the law or charter and procedure taken by which the municipality has become a legal body corporate.

An application by a private corporation or municipality should show that it is legally qualified to take the lease requested and that the taking of such lease has been duly authorized by its governing body.

(d) An accurate description of the land desired. If the land is surveyed it should be described with reference to the public-land surveys. A lease may be granted for part of a legal subdivision or for more than one legal subdivision, in the discretion of the Secretary of the Interior. If the land is unsurveyed, the description thereof should conform to requirements set forth in circular of November 3, 1909 (38 L. D. 287).

(e) The names and addresses of three persons to whom reference may be made as to applicant's reputation and business standing and as to his ability, both from a financial standpoint and otherwise, to carry out the contemplated project.

(f) The period of time for which the lease is desired, not to exceed 20 years, and the purpose for which the lease is sought, whether for the erection of a bathhouse, hotel, or other improvement for the accommodation of the public. It is important that the application should specify all purposes for which it is intended or desired to use the land, as a lease, if issued, will authorize the use of the land only for the purposes specified in the application, and its use for any other purpose will not be permitted. Thus, if an applicant for a hotel, in addition to using the land for ordinary hotel purposes, wishes to operate a billiard hall or moving-picture theater, etc., on the land, that fact should be disclosed in the application.

(g) Details as to the proposed improvements, including the estimated cost of construction and of subsequent maintenance; also the time when construction work will begin and when it will be completed, if the proposed lease is granted.

FIXING OF RATES

4. All leases issued hereunder will contain stipulations authorizing the Secretary of the Interior to fix the rates and prices for accommodations and services whenever this is deemed necessary. The charges which may be made may or may not be regulated by the Secretary of the Interior, as may be deemed proper in the particular case.

FILING OF APPLICATION

5. An application for lease should be filed in duplicate in the district land office, should be given a current serial number, and

should be duly noted on the district land office records. If it appears that the land applied for is not subject to lease, the application should be rejected subject to the usual right of appeal. Otherwise, after notation, the register should attach to each copy of the application a statement as to the status of the land as shown by the district land office records and should transmit the original copy of the application to the Commissioner of the General Land Office by special letter for notation on the General Land Office records and the duplicate copy to the division inspector for report.

ACTION BY DIVISION INSPECTOR

6. Upon receipt of an application the division inspector will cause a field examination to be made, if necessary, and thereafter he will submit report to the Commissioner of the General Land Office. The report should include the following information, if it will be of service in the consideration of the case, together with any other information which may be deemed essential:

(a) A topographic map of the areas adjacent to the spring or of the area applied for. If in the opinion of the division inspector the area should be divided, to enable the issuance of more than one lease, a proposed division should be shown.

(b) A determination of the quantity of water available from the spring and a plan of the work that should be done to develop and increase the flow, as well as to protect the spring from pollution or silting with an estimate as to the cost.

(c) An analysis of the water, which may be procured from the Bureau of Chemistry.

(d) Whether the contemplated use of the land is the highest or best use to which the land may be put under the act of March 3, 1925.

(e) A statement as to the distance of the land from centers of population and as to its accessibility.

(f) A statement as to whether the contemplated project will require closer supervision than can be given by the division inspector.

The report should show whether in the opinion of the division inspector, all things considered, the application should be allowed or rejected. It should also show the amount of the annual rental which in the opinion of the division inspector should be charged, if the lease is granted. In order to ascertain a proper charge, the division inspector should determine what is a fair and reasonable rental of the area, taking into consideration the purpose for which it is to be used and the probable value of the lease to the applicant. The report should also state any conditions or restrictions which in the opinion of the division inspector should be incorporated in a lease, if issued. In so far as applicable, the general regulations of the department governing the execution of contracts will be followed in the preparation of leases issued hereunder.

CONFLICTING APPLICATIONS

7. From and after the filing in the district land office of an application for lease, the lands applied for will not be subject to other appropriation under the public land laws. However, applications under other laws may be received and such applications will be

suspended pending final action on the application for lease, unless a prior right to the land is claimed by settlement or otherwise, in which case the subsequent applications should be transmitted to the General Land Office for consideration. If the application for lease is subsequently approved, the conflicting suspended applications will be rejected. On the other hand, if the application for lease is rejected, the conflicting suspended applications will be relieved from the suspension and will be disposed of as though the application for lease had not been filed.

FURTHER ACTION ON APPLICATION FOR LEASE

8. When a report has been received from the division inspector, the Commissioner of the General Land Office will make report to the Secretary of the Interior either recommending the allowance or the rejection of the application for lease. If the allowance of the application is recommended, the commissioner will submit a form of a proposed lease for consideration. Thereafter, the department will take such further action and will give such further directions as are considered proper.

DISCRETIONARY AUTHORITY OF THE SECRETARY OF THE INTERIOR

9. The granting of an application for lease is discretionary with the Secretary of the Interior, and any application may be granted or denied in part or in its entirety as may appear to be warranted in the particular case.

WILLIAM SPRY,
Commissioner.

Approved, April 27, 1927:

E. C. FINNEY,
First Assistant Secretary.

FORMS

Valuation of lots and blocks in the town site of _____, State of _____,
appraised under—

Block	Lot	Area	Valuation		Character of land	Remarks
			Dollars	Cents		

We, the undersigned, constituting the Board of Appraisers appointed under _____, to examine and appraise the surveyed and platted lots described in the foregoing list and designated on the approved plat of the town site of _____, do hereby certify that on the _____ day (or days) of _____, 19—, we visited and examined each of said town lots; and that the valuation placed upon each lot as designated in the foregoing list is the fair, just, and full cash value thereof according to the best of our judgment.

Board of Appraisers.

Serial No. —

APPLICATION UNDER SECTION 2387, U. S. REV. STATS.

DEPARTMENT OF THE INTERIOR,
LAND OFFICE AT _____, _____

_____, _____, _____, as _____, of _____ County, State of _____, do hereby apply to purchase, under sections 2387 to 2393, inclusive, U. S. Rev. Stats., _____, Sec. _____, T. _____, R. _____ of _____ Principal Meridian, containing _____ acres, at the sum of \$ _____ for the town site of _____.

My post-office address is _____, _____.

I hereby certify that the land above described contains _____ acres, and that the purchase price therefor is \$ _____.
_____, Register.

Serial No. ____.

APPLICATION TO PURCHASE TOWN LOTS

DEPARTMENT OF THE INTERIOR,

LAND OFFICE AT _____, _____,
_____, 19____.

_____, of _____ County, State of _____, do hereby apply to purchase, under _____, Lot _____, Block No. _____, in the town site of _____, _____, as delineated and designated in the approved plat thereof, containing _____, at the sum of \$_____.

My post-office address is _____, _____.

I hereby certify that the land above described contains _____, and that the purchase price therefor is \$_____.

_____, Register.

Serial No. ____.

APPLICATION TO PREEMPT TOWN LOTS

DEPARTMENT OF THE INTERIOR,

LAND OFFICE AT _____, _____,
_____, 19____.

I, _____, of _____ County, State of _____, do hereby apply to purchase, under _____, Lot No. _____, in Block No. _____, in the town site of _____, _____, as delineated and designated in the approved plat thereof, containing _____, at the sum of \$_____, basing said application on the following facts: That I am _____ years of age (and, if under 21 years of age, add, and the head of a family); that I am a native-born citizen of the United States (or have declared my intention to become a citizen of the United States); that my post-office address is _____; and that my settlement, the date thereof, and the value and character of my improvements on said lot are as follows: _____.

I hereby certify that the lot above described contain _____, and that the purchase price thereof is \$_____.

_____, Register.

NOTICE OF INTENTION TO MAKE PROOF

DEPARTMENT OF THE INTERIOR,

LAND OFFICE AT _____, _____,
_____, 19____.

_____, as _____, having applied to purchase, under _____, the _____, hereby give notice of _____ intention to make proof, to establish _____ right under said law to enter the land above described, before the _____, at _____, on _____, 19____, by two of the following witnesses:

_____, of _____,
_____, of _____,
_____, of _____,
_____, of _____.

Notice of the above application will be published in the _____, printed at _____, which I hereby designate as the newspaper published nearest the land described.

_____, Register.

NOTICE FOR PUBLICATION OF MAKING PROOF

DEPARTMENT OF THE INTERIOR,

LAND OFFICE AT _____, _____, 19____.

Notice is hereby given that _____, as _____, has filed notice of his intention to make proof of his right to enter, under _____, the _____, and that said proof will be made before _____ at _____, _____, on _____, 19____, and he names as his witnesses in making such proof—

_____, of _____, _____.
 _____, of _____, _____.
 _____, of _____, _____.
 _____, of _____, _____.

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BLM Library
Denver Federal Center
Bldg. 25, OC-821
P.O. Box 25047
Denver, CO 80222

**BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225**

Circular No. 1128

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 27, 1927.

Relative to Furnishing Lists of
Plat makers, Abstractors, and
Attorneys.

Registers,
United States Land Offices.

Gentlemen:

By direction of the Secretary, the attention of all Registers is invited to Circular No. 453 of December 30, 1915, which is still in force and which reads as follows:

"Attention has been called to the fact that some local officers who are unable, because of the pressure of current business relating to the entry of land, to make plats or diagrams when requested, refer the order to an outside person or company, or recommend to the applicant some certain person or company as able to do the work.

When it is necessary for you to refuse to fill an order for a plat or diagram, the fee received should be returned to applicant and he advised of the reason therefor. There is no objection to your furnishing to the party a list of the names of persons or companies located in your city who follow the business of preparing such diagrams, but the list should be complete and be arranged in alphabetical order. Under no circumstances should you recommend any person or company.

If asked for a list of abstractors doing business in your city, or for a list of attorneys resident in your city who practice before your office, and you attempt to comply with the request, care should be exercised to make the list complete, arranged in alphabetical order.

All prior instructions in conflict herewith are hereby revoked."

Very respectfully,

WILLIAM SPRY,

Approved. June 27, 1927.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

CIRCULAR No. 1126

REGULATIONS FOR THE SALE OF LOTS IN THE TOWN SITE OF
SANISH IN THE FORMER FORT BERTHOLD INDIAN RESERVA-
TION, N. DAK.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 27, 1927.

REGISTER, Bismarck, N. Dak.

SIR: Requests have been made for the public sale of the forfeited, unreserved, and unsold lots in the town site of Sanish, in the former Fort Berthold Indian Reservation, N. Dak., and it appears that a sale should be held.

It is therefore recommended that the forfeited, unreserved, and unsold lots in said town site be offered for sale at public outcry, at not less than their appraised value at the time and place, in the manner, and under the terms hereinafter prescribed, as provided in section 6 of the act of June 1, 1910 (36 Stat. 455), which section requires 20 per cent of the net proceeds of the sale to be set apart and expended under the direction of the Secretary of the Interior in the construction of schoolhouses or other public buildings or improvement in the town site.

A portion of the lots which you were directed to withhold from future sales by instructions of June 23, 1926 (1222477 "K" CGF), are included in the list of those to be offered for sale as they do not appear to be desired by the North Dakota State Highway Commission for a right of way for the approach to the new bridge across the Missouri River. However, lots 1, 2, 3, 4, and 5, block 58, and lots

7, 8, 9, and 10, block 39, are being withheld from sale until the court authorities have had an opportunity to indicate that they are in a position to purchase same.

Time and place of sale.—Beginning on August 6, 1927, and continuing thereafter from day to day, Sundays and holidays except as long as may be necessary, at Sanish, N. Dak., under supervision.

Manner.—Bids may be made either in person or by agent, but by mail nor at any time or place other than the time and place where the lots are offered for sale hereunder, and any person may purchase any number of lots for which he is the highest bidder. Bidders will not be required to show qualifications as to age, citizenship, or otherwise. If any successful bidder fails to make the payment required on the date of the sale, the lot awarded to him shall be reoffered for sale on the following day.

Terms.—Payments will be required as follows: No lot will be posed of for less than \$10, and any lot sold for \$10 must be paid on the day it is sold; the minimum of \$10 and at least 25 per cent of the bid price of each lot sold for more than \$10 must be paid the date of the sale, and the remainder, if the price bid is \$50 or within one year from the date of the sale; if the price bid be \$50 and less than \$100, 75 per cent of the cost may be divided into two equal payments due, respectively, one and two years from the date of the sale; if the price bid be \$100 or more, the 75 per cent remaining unpaid may be divided into three equal payments, respectively, one, two, and three years from the date of sale. Entry will be allowed until payment has been made in full for the lot, but in case of partial payment the register will issue a nontransferable memorandum duplicate certificate showing the amount of the bid and the terms of the sale; and reciting the right of the purchaser to make entry upon completing the payments; and will issue a memorandum receipt for the money paid. Nothing herein will prevent the transfer of the interests secured by the purchase upon partial payment of the lot by deed, but the assignee will acquire no greater right than that of the original purchaser, and the final sale and patent will issue to the original purchaser when all payments are made.

Forfeiture.—If any person who has made partial payment for a lot purchased by him fails to make any succeeding payment under these regulations at the date such payment becomes due, the money deposited by such person for such lot will be forfeited, and the lot, after forfeiture is declared, will be subject to disposal by the board.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, which will in any way hinder or embarrass the sale, and any person offending will be prosecuted under section 69 of the Criminal Code of the United States, which reads as follows:

whenever, before or at the time of the public sale of any of the United States, shall bargain, contract, or agree, or attempt to bargain or agree with any other person, that the last-named person shall purchase the land so offered for sale, or any parcel thereof; for intimidation, collusion, or unfair management shall hinder or attempt to hinder or prevent, any person from bidding upon or contracting for land so offered for sale, shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

You are hereby authorized to appraise any unappraised lot, or to bid any lot to be reappraised which in your judgment is not appraised at the proper amount, and you may reject any and all bids on any lot. At the conclusion of the offering the undisposed of and reserved lots will be reappraised and the sale will be closed.

If some of the lots are not sold the reserved lots, the unsold lots, and lots subsequently forfeited will become subject to private sale.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved June 27, 1927.

E. C. FINNEY,

First Assistant Secretary.

(List of appraisements omitted.)

Circular No. 1127.

REGULATIONS REGARDING APPLICATIONS FOR REDUCTION OF
GOVERNMENT ROYALTY IN OIL AND GAS LEASES.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 28, 1927.

Registers of United States Land Offices:

Supervisors of Oil and Gas Operations, Geological Survey:

In accordance with authority conferred upon the Secretary of the Interior by Section 17 of the act of February 25, 1920 (41 Stat., 437), which provides that:

"Whenever the average daily production of any oil well shall not exceed 10 barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future productions when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act,"

applications for reduction of royalty in oil and gas leases where the daily production per well per day is 10 barrels or less averaged over the leasehold as a whole for a continuous period of at least 3 months next preceding the date of application for reduction will be handled in the following manner:

1. Applications for reduction of royalty shall be filed in duplicate in the United States land office of the district in which the land is situated. The Register will immediately transmit the original thereof to the Commissioner of the General Land Office by special letter and the duplicate to the Supervisor of Oil and Gas Operations of the Geological Survey having jurisdiction in the district.

2. Applications for reduction of royalty will be received for an entire leasehold or on any part of the area thereof segregated for computation of royalties by the terms of the lease, by advertisement, bidding, and award though included in the same lease with other lands, or by approved assignment. All holders of record of the tract must join in the application for reduction of royalty, and the supporting showing must be complete for the entire tract involved.

3. Upon receipt of the duplicate copy of the Supervisor of Oil and Gas Operations, Geological Survey, will make investigation of the matters set forth by the applicant and will make prompt report

(over)

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Wash. D. C.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

June 10, 1900

Division of Land Management

Division of Land Management

TO THE SECRETARY OF THE INTERIOR
FROM THE DIVISION OF LAND MANAGEMENT
SUBJECT: [Illegible]

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[Illegible text block]

of his findings to the Director of the Geological Survey. The report of the Supervisor shall cover particularly the productivity of the wells on the area involved and the extent of the efforts being made by the lessee toward economical and efficient operation; the ability of the lessee to operate the wells at a profit after paying reasonable lifting costs, a reasonable interest on capital honestly and wisely invested, and the Government royalty; and shall include recommendations as to action to be taken in the public interest.

4. The application for reduction of royalty must contain the following information:

- (a) Serial number of lease and land district.
- (b) Name and address of each holder of the record or legal title.
- (c) Name and address of operators or sublessees, if any.
- (d) Description by legal subdivision of land for which application is filed.
- (e) Plat showing location, field number, and status of each well that has been drilled.
- (f) A tabulated statement showing for each month of a period of not less than 6 months next prior to the date of filing of application:
 - (1) The aggregate amount of oil subject to royalty in conformity with the provisions of Sec. 3 of the operating regulations;
 - (2) The number of wells counted as producing in accordance with said section of the operating regulations; and
 - (3) The average production per well per day as determined from oil subject to royalty and count of producing wells.
- (g) A detailed statement of expenses and costs of operating the wells, and all facts tending to show whether the wells can be successfully operated upon the royalty fixed in the lease and whether the operator is in good faith doing everything that may be reasonably expected in economic operation. This statement should include full information as to whether, and if so what, royalties are paid to others than the United States, efforts made to reduce them, and agreement of the holders of the lease and of royalty holders to a permanent reduction of all other royalties from the lease hold to an aggregate not in excess of one-half the Government royalty.

June 25, 1927.

WILLIAM SPRY,

I concur:

Commissioner.

GEO. OTIS SMITH,
Director, Geological Survey.

Approved: June 28, 1927.

E. C. FINNEY,
First Assistant Secretary.

Circular No. 1129.

AMENDING CIRCULAR NO. 1073, INSTRUCTIONS UNDER SECTION 27 OF THE LEASING
ACT OF FEBRUARY 25, 1920 (41 STAT., 437), AS AMENDED BY THE ACT
OF APRIL 30, 1926 (44 STAT., 373).

--- 0 ---

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 1, 1927.

Registers,

United States Land Offices.

Gentlemen:

Circular No. 1073 (51 L. D., 475), approved June 18, 1926, concerning limitations of holdings under Sec. 27 of the act of February 25, 1920, as amended by the act of April 30, 1926, is hereby amended by adding thereto the following paragraph:

While under Sec. 27 as so amended, the limitations as to holdings under the act are governed by the number of acres and not by the number of permits which may be held by the same person, association or corporation, provided the combined area does not exceed the limitations fixed, there appears to have been no purpose to change the area which may be acquired under lease at a royalty of five per cent in case of discovery. Accordingly, oil and gas permits will not be issued nor assignments of such permits approved to the same applicant where the result would be to enable such applicant to acquire under Sec. 14 of the act a right to lease at five per cent royalty a larger area than he would be entitled to lease at such royalty had the areas of all the permits been embraced in a single permit and discovery made thereon.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: August 1, 1927.

E. C. FINNEY,

First Assistant Secretary.

October 10, 1937

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

August 1, 1937

Washington

United States Land Office

Washington

Enclosed for the Bureau of Land Management are 10 copies of the report of the Survey of the Lands of the United States, 1937, as authorized by the act of April 22, 1935, as amended, and the following information:

This report was prepared by the Bureau of Land Management and is intended to provide information regarding the lands of the United States. It contains a description of the lands, a list of the owners, and a statement of the value of the lands. The report is intended to be used by the Bureau of Land Management and the public.

Very respectfully,

THOS. C. BAKER,

Acting Commissioner

Approved August 1, 1937

E. C. KILGUS

Chief Assistant Commissioner

Circular No. 1135.
Supplemental to Circular 953.

INSTRUCTIONS AS TO COAL MINED UNDER PENDING APPLICATIONS FOR LEASE OR PERMIT.

--- O ---

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 1, 1927.

Division Inspectors and Registers,

United States Land Offices.

Gentlemen:

Sec. 3 of Circular No. 953 "Instructions as to coal mined under pending applications for lease or permit," approved July 19, 1924, provides as follows:

"3. Where the applicant has no equities gained prior to the passage of the leasing act, but is awarded a lease as the successful bidder at the auction, coal mined by him from the date of filing of his application to the date of awarding of the lease at the auction must be settled for as a trespass, but at the rate of royalty fixed in the lease."

The Division Inspector is expected to procure settlement for any coal mined in trespass prior to the award of the lease. Payments for coal mined subsequent to the award should be collected by the Register and applied as royalty.

The Register will, upon award of the lease at the auction, at once notify the proper Division Inspector and also the District Mining Supervisor of the Geological Survey, of such award, in order that the Division Inspector may take prompt action looking toward collecting settlement for, and closing out, any trespass which may have been committed prior to the award and the District Mining Supervisor may take steps with a view to ascertaining the condition of the mine, if mining operations are being conducted, and submitting production reports of any coal mined subsequent to the award.

If upon receipt of a lease for delivery the Register has information that coal has been mined subsequent to the date of award and payment has not been made therefor he will take immediate steps to collect the amount due.

The Register is further directed to see that all notices to permittees or lessees of the cancellation of a permit or lease contain the following statement:

(over)

"Mining of coal from the land involved subsequent to receipt of this notice of cancellation is unauthorized and in violation of law. Such mining operations will render you liable to the penalties provided for willful trespass upon Government lands."

The Division Inspector will upon receipt of notice of cancellation of a lease or permit take such steps as may be necessary to ascertain whether mining operations thereunder ceased upon receipt by permittee or lessee of the notice of cancellation. If not, he will collect payment for all coal so mined on the basis of a willful trespass and take such further action as may be necessary to prevent continuation of the mining operations.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: October 1, 1927.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 1136.

MODIFICATION AS TO DESERT LAND APPLICATIONS OF CIRCULAR NO. 1021
(51 L. D. 167) RELATING TO PROCEDURE UPON NONMINERAL APPLI-
CATIONS FILED SUBSEQUENT TO APPLICATIONS FOR
PROSPECTING PERMITS AND LEASES.

---- O ----

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT
Date DEC 31 1927
Hour _____

December 20, 1927.

Registers,

United States Land Offices:

Paragraph 5 of instructions of July 21, 1925 (Circular No. 1021, 51 L. D. 167), which reads as follows:

Immediately upon the expiration of the time allowed, you will forward all papers to this office with evidence of service on each of the persons involved with your report. You will not allow any such nonmineral application until instructed by this office

is hereby modified as to the desert-land applications in conflict with applications for prospecting permits or permits granted. In the case of such applications, you will proceed in accordance with the instructions preceding paragraph 5 of said Circular No. 1021, and if all requirements shall have been satisfactorily complied with, you will refer the applications to the Division Inspector as directed by section 13 of the desert-land regulations (Circular No. 474, 50 L. D. 450).

Paragraph 6 of said Circular No. 1021 is hereby amended to read as follows:

(a) Homestead applications in which priority is claimed by reason of prior settlement and desert-land applications where preference rights are claimed under the act of March 28, 1908 (35 Stat. 52) over mineral claimants having prior applications for the land, and

(b) Homestead applications (except stock-raising applications) and desert-land applications, which conflict in part only with prior applications for oil and gas prospecting permits, or permits granted.

WILLIAM SPRY,

Commissioner.

Approved: December 20, 1927,

(Signed) E. C. FINNEY,

First Assistant Secretary.

RECEIVED
JAN 10 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

is hereby notified as to the receipt of your application for a license to operate a motor vehicle in the State of California. The license will be issued to you upon the receipt of the fee of \$10.00 and the payment of the license tax of \$1.00. The license will be valid for one year from the date of issuance. The license will be issued to you upon the receipt of the fee of \$10.00 and the payment of the license tax of \$1.00. The license will be valid for one year from the date of issuance.

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

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U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

Date JUN 3 1938

Circular No. 1138a.

CIRCULAR NO. 1138, AS AMENDED BY CIRCULAR NO. 1203,
AMENDED SO AS TO MAKE IT INAPPLICABLE
TO REINDEER GRAZING IN ALASKA

May 26, 1938

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

*Superseded
by circ. 1744*

1. Statutory Authority. The act of March 4, 1927 (44 Stat. 1452), authorized the Secretary of the Interior to lease public lands in Alaska for grazing reindeer and other animals on the public lands of Alaska. Section 14 of the act of September 1, 1937 (50 Stat. 900), authorizes the Secretary of the Interior, in order to co-ordinate the use of public lands in Alaska for grazing reindeer, to regulate the grazing of reindeer upon said lands. It authorizes him, in his discretion, to define reindeer ranges and to regulate the use thereof for grazing reindeer, to issue reindeer grazing permits and to issue rules and regulations to carry into effect the provisions of said section of the act.

2. No Reindeer Leases to Issue Under the Act of March 4, 1927. In view of the provisions of section 14 of the act of September 1, 1937, no reindeer leases will issue under the act of March 4, 1927, after the date of this circular, and the grazing of reindeer in Alaska will be governed by the act of September 1, 1937, and the rules and regulations that may be promulgated thereunder.

3. Circular No. 1138 as Amended by Circular No. 1203, Amended. In accordance with the foregoing, Circular No. 1138 as amended by Circular No. 1203 is hereby amended by substituting for sections 3 and 4 thereof the following:

3. After the establishment of a grazing district, applications for leases may be filed in the proper district land office. Applications should be filed in duplicate.

(a) After a serial number has been assigned by the Register of the district land office to an application for a lease, one copy will be forwarded to the Commissioner of the General Land Office and one to the Office of the Division of Investigations at Anchorage, Alaska, each copy to be accompanied by a status report.

(b) Applications for leases must conform substantially to the Form 4-469.

1138-A

4. The Special Agent in Charge will cause an investigation to be made of all applications to lease for grazing purposes and report to the General Land Office as to the livestock to be grazed on the land; as to the carrying capacity of the areas sought; as to the improvements, if any, existing thereon; as to their use and occupancy and as to the feasibility of granting the lease applied for. Recommendation should also be made as to what rental should be charged and whether such charge should be deferred for any particular period.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: May 26, 1938.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1139.

INSTRUCTIONS AS TO LISTING BY LAND GRANT RAILROAD COMPANIES OF LESS THAN A
LEGAL SUBDIVISION--EXAMINATIONS IN THE FIELD AND
HEARINGS ORDERED IN CONNECTION THEREWITH.
(Supplemental to Circular No. 1077.)

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 9, 1928.

Registers, United States Land Offices.

Division Inspectors, Interior Department.

Gentlemen:

As supplemental to Circular No. 1077 of July 9, 1926 (51 L. D. 487), the following instructions will be followed in making examination in the field and in connection with hearings as to railroad lands, within primary limits.

In examining in the field, the smallest subdivision or unit that should be recognized is that aliquot part of a quarter-quarter (40-acre subdivision) having an area of 10 acres, or multiple thereof. A quarter-quarter, say $NE\frac{1}{4} NE\frac{1}{4}$, should be divided as follows: $NE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$, or any combination of such minor subdivisions, for instance $N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$, but not of parts thereof, this because of the amount of survey work that will be required of the inspector to secure the identification of the lands involved as a prerequisite to their classification. This same method should govern the register or other official when ordering a hearing to determine the character of land listed by the railroad. In serving notice of mineral charges the company should be advised in the manner heretofore followed and, in addition, should be informed that it may deny or admit the character of the entire unit (quarter-quarter-quarter) or multiples, or that in the event it should desire to deny or admit the charge as to a part only of such a unit, such fact should be set out in its answer, accompanied by a request for a survey of the area in dispute, one-half of the cost of such survey to be borne by the company (departmental decision December 13, 1927, Central Pacific Railway Company, A-10079 Carson City 014233). In case of a denial in part, this office should be advised and action should then be suspended awaiting such survey and further instructions as to proceeding with the case. If the denial goes to the whole unit, the case may be proceeded with in the manner heretofore followed.

The same rule will apply when a division of a lot or fractional subdivision is involved, i. e., the rectangular system of public land surveys may be extended a step further into such lot or fractional subdivision, so as to break it up into its component parts, under such system of survey; but if the area, the character of which is denied by the company, is of a form other than that consequent upon the usual subdivision by platting into quarter-quarter-quarter sections, or corresponding fractional units, then a survey by metes and bounds will be necessary, the same to be paid for in accordance with departmental decision of December 13, 1927, heretofore referred to.

(over)

In making investigations, the inspector should bear in mind the possibility of a segregation survey being requested and in reporting give detailed information as to the location or place where the mineral is, etc., as far as practicable without extra trouble or expense.

As to indemnity lands, there is no occasion to modify Circular No. 1077 of July 9, 1926 (51 L. D. 487).

These instructions are issued with a view to determining the mineral character of the lands with a minimum of trouble and expense to all parties.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved: January 9, 1928.

(Signed) E. C. FINNEY,
First Assistant Secretary.

EXTENSIONS OF TIME OF OIL AND GAS PROSPECTING PERMITS UNDER ACTS OF JANUARY 11, 1922; APRIL 5, 1926, AND MARCH 9, 1928. CIRCULARS NOS. 801, 946, 1041, AND 1063, SUPERSEDED.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 2, 1928.

Registers, United States Land Offices.

GENTLEMEN: The act of Congress approved January 11, 1922 (42 Stat. 356), provides that the Secretary of the Interior may

if he shall find that any oil or gas permittee has been unable with the exercise of diligence to begin drilling operations, or to drill wells of the depth and within the time prescribed by section 13 of the act of February 25, 1920, extend the time for beginning such drilling or completing it to the amount specified in the act for such time, not exceeding three years, and upon such conditions as he shall prescribe.

The act of April 5, 1926 (44 Stat. 236), authorizes the Secretary of the Interior to grant extensions for an additional period of two years

if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law or has drilled wells of the depth and within the time required by existing law and has failed to discover oil or gas, and desires to prosecute further exploration.

By act approved March 9, 1928 (Public, No. 118), the Secretary is given authority to extend for an additional period of two years any oil or gas prospecting permit issued under the act of February 25, 1920, or extended under the act of January 11, 1922, or as further extended under the act of April 5, 1926,

if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law or has drilled wells of the depth and within the time required by existing law and has failed to discover oil or gas, and desires to prosecute further exploration.

Sec. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this act, any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of two years from the date of the passage of this act.

Accordingly, the owner of an oil and gas prospecting permit may secure an extension of time thereon for beginning or completing drilling operations by filing an application therefor showing that he is entitled to such extension under the provisions of one of said acts. The application may be filed in the district land office having jurisdiction over the land involved or in the General Land Office, and must be under oath or accompanied by the affidavit of the permittee, or his attorney in fact, where such attorney has been given full control of operations under the permit, and corroborated by the affidavit of at least one disinterested person having knowledge of the facts. The applicant must show:

(1) That the corners of the claim have been marked with substantial monuments and that a notice has been posted as required by paragraph 1 of the permit, as there is no provision of law under which the time may be extended for compliance with that requirement.

(2) What efforts, if any, have been made to comply with the terms of the permit, the reasons for delay in the full compliance therewith, and when he expects to commence or resume operations and any arrangements made to drill the permit lands; if the permittee has entered into a contract to drill the land, the application must be supported by the affidavit of the drilling contractor as to the terms of the contract, the means at his command for carrying out the same, and the time when he expects to begin drilling operations thereunder.

(3) The drilling activities on the geologic structure on which the permit land is located, or within 10 miles thereof, and the location of any oil or gas well being drilled by section, township, and range, with full information as to when the well was begun, its approximate depth, and the prospects for discovery of oil or gas.

Contribution development programs proposing a joint test by a group of permittees should be submitted to the department at their inception in order

that it may be determined whether, upon the facts disclosed in a given case, any and all permittees proposing to contribute may do so with the assurance that so long as the test is diligently prosecuted through their efforts, but limited to the period provided for in the leasing act and the acts granting extensions, drilling on their own permits will be excused.

If the application for extension of time is based on contribution made by the permittee toward sinking of a test well upon the structure, the location of the well, full disclosure of the amount and nature of such contributions and the conditions under which the same were made must be shown, which showing must be corroborated by the affidavit of one or more of the parties under whose authority the well is being drilled. Every application of this nature will be submitted to the Geological Survey for report, and if the report is unfavorable the application will be rejected subject to appeal. If the Survey shall report that it is without sufficient data as to structures in the region upon which to base any recommendation, only contributions by permittees, any portion of whose permit areas which could be lawfully drilled lies within a 6-mile square formed by going 3 miles in each cardinal direction from the northeast corner of the legal subdivision on which the test well is found, or from the corner nearest which the test well is shown to be found, will be recognized.

The purchase of capital stock of a corporation which is drilling for oil or gas in unproven territory and which is dependent upon the sale of its stock for the continuation of its drilling operations by the holder of a prospecting permit for lands upon the same structure as that where the drilling is carried on may be considered a contribution toward the cost of proving the structure which will warrant allowance of extension of time in which to comply with the terms of his permit, if contribution may be considered acceptable in other respects, and if the stock does not have a market value or is not salable. Clearly, if the stock has a market value the stock is in itself a consideration for the purchase price and there is no contribution as contemplated here. Purchase money for stock which does not go to the corporation or which is not needed or used to meet the cost of testing the structure is not a contribution which can be accepted as sufficient in this connection.

In order to make the purchase of stock acceptable as a contribution applicable in the matter under consideration, the department must be satisfied that the purchase induced the corporation to begin or to continue drilling, when in the absence of such purchase it would not have begun or continued to drill. That does not mean, of course, that the purchase of stock by one permit holder must be sufficient, in and of itself, as an inducement, but that several permit holders may join in making contributions by means of purchasing stock.

While no rule can be laid down which will govern every case of this nature, the department will insist that contributions shall be substantial, taking into consideration the contributing permit holder's area, the amount that has been expended in the test or the estimated cost thereof, and the sources of means therefor.

Any extension of time to perform one of the acts required by the permit necessarily extends for the same period the time for the performance of all subsequent requirements. Where a permit bond has been filed which does not by its terms cover extension of the permit, the consent of the surety company to an extension of its bond concurrent with the life of the permit as extended will be required (a) where the surface rights are embraced in a prior valid homestead entry, (b) where a reclamation project is involved, and (c) where drilling has been done on the permit land. In the latter case the bond must be kept in force until a \$5,000 drilling bond is furnished by the permittee or his contractor at the time the notice of intention to drill is filed with the supervisor of oil and gas operations, Geological Survey, for the district in which the land is located, which bond and drilling plan must be approved by the supervisor before drilling is commenced, as provided by Circular No. 1111.

This circular will supersede Circulars Nos. 801, 946, 1041, and 1063.

You will give the widest publicity to the above regulations that may be possible without expense to the United States.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved, May 2, 1928.

E. C. FINNEY,

First Assistant Secretary.

See Circ. 1788

23355

Circular No. 1149.

Extensions of Time under Coal Permits.

Instructions under the act of
March 9, 1928. (Public No. 114.)

*Amended by
Circ. 1633*

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 3, 1928.

Registers,

United States Land Offices.

Gentlemen:

By act of Congress approved March 9, 1928 (Public No. 114), the Secretary of the Interior was authorized to grant an extension of time for a period of two years on any coal prospecting permit issued under the act of February 25, 1920 (41 Stat. 437). The act, which does not apply to Alaska, is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any coal prospecting permit issued under the act entitled 'An Act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain', approved February 25, 1920, as amended, may be extended by the Secretary of the Interior for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to determine the existence or workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Secretary warranting such extension.

Sec. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this act, any coal permit that has already expired because of lack of authority under existing law to make extensions, may, in the discretion of the Secretary, be extended for a period of two years from the date of the passage of this act."

Accordingly, a permittee who has been unable with the exercise of reasonable diligence to determine the existence or workability of the coal deposits, or who gives other reasons, which, in the opinion of the Secretary,

(over)

warrant an extension, and who desires to prosecute further prospecting, may, if the facts warrant, be granted an extension of time upon filing an application therefor, accompanied with his own affidavit setting forth what efforts, if any, he has made to comply with the terms of his permit and the reasons for failure fully to comply therewith, such showing to be corroborated by the affidavit of at least one disinterested person having actual knowledge of the facts.

Under the second section of the act, even where a permit expired prior to the passage of the act, it may be extended for a period not exceeding two years from the date of the act subject to valid intervening rights and to the provisions of section 1 of the act. In no case would an extension under section 2 go beyond March 9, 1930.

As the permit bond is limited to the period for which the permit was granted, the permittee must furnish with an application for extension a properly executed assent by the surety to the extension of his bond to cover the life of the permit as it will be extended if an extension is granted, or furnish a new bond.

The application for extension may be filed in the General Land Office or in the local land office having jurisdiction over the land involved by the permit, to be promptly forwarded by the register to this office. The application should show how much additional time is considered necessary to complete prospecting work. Extensions will be limited to such period, not exceeding the two years authorized, as may be determined to be allowable under the circumstances in each particular case.

You will give to the regulations the widest publicity possible without expense to the Government.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 3, 1928.

E. C. FINNEY,

First Assistant Secretary.

CIRCULAR No. 1150

REGULATIONS FOR THE SALE OF LOTS IN THE TOWN SITE OF PARSHALL, IN THE FORMER FORT BERTHOLD INDIAN RESERVATION, N. D.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 18, 1928.

REGISTER, Bismarck, N. Dak.

SIR: Requests have been made for the public sale of unsold lots in the town site of Parshall, in the former Fort Berthold Indian Reservation, N. Dak., and it appears that a sale should be held.

It is therefore recommended that the unsold lots in said town site be offered for sale at public outcry, at not less than the reappraised value attached hereto, and approved hereby, at the time and place in the manner, and under the terms hereinafter prescribed, as provided in section 6 of the act of June 1, 1910 (36 Stat. 455), which section requires 20 per cent of the net proceeds of the sale to be set apart and expended under the direction of the Secretary of the Interior in the construction of schoolhouses or other public buildings or improvements in the town site.

Time and place of sale.—Beginning on June 14, 1928, and continuing thereafter from day to day, Sundays and holidays excepted, so long as may be necessary, at Parshall, N. Dak., under your supervision.

Manner.—Bids may be made either in person or by agent, but not by mail nor at any time or place other than the time and place where the lots are offered for sale hereunder, and any person may purchase any number of lots for which he is the highest bidder. Bidders will not be required to show qualifications as to age, citizenship, or otherwise. If any successful bidder fails to make the payment required on the date of the sale, the lot awarded to him shall be reoffered for sale on the following day.

Terms.—Payments will be required as follows:

No lot will be disposed of for less than \$10, and any lot sold for less than \$10 must be paid for on the day it is sold; the minimum of \$10 must be paid on the date of the sale, and the remainder of the price bid is \$50 or less, within one year from the date of the sale; if the price be over \$50 and less than \$100, 75 per cent of the price bid must be paid on the date of the sale, and the remainder must be divided into two equal payments due, respectively, one and two years from the date of the sale; if the price bid be \$100 or more, 75 per cent remaining unpaid may be divided into three equal payments due, respectively, one, two, and three years from the date of the sale. No entry will be allowed until payment has been made for the lot, but in case of partial payment the register will issue a nontransferable memorandum, duplicate certificate, and receipt for the amount of the bid and the terms of the sale, and requiring the purchaser to make entry upon completing the payment. The register will issue a memorandum receipt for the money paid.

Nothing herein will prevent the transfer of the interest in the lot by the purchase and the partial payment of the lot, by deed.

assignee will acquire no greater right than that of the original purchaser, and the final entry and patent will issue to the original purchaser when all payments are made.

Forfeiture.—If any person who has made partial payment on the lot purchased by him fails to make any succeeding payment required under these regulations at the date such payment becomes due, the money deposited by such person for such lot will be forfeited and the lot, after forfeiture is declared, will be subject to disposition.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States, which reads as follows:

Whoever, before or at the time of the public sale of any of the lands of the United States, shall bargain, contract, or agree, or attempt to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or whoever by intimidation, combination, or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

You may reject any and all bids for any lot. At the conclusion of the offering the sale will be closed and the lots remaining unsold or hereafter declared forfeited will become subject to private sale for cash at their appraised value in your office.

Very respectfully,

WILLIAM SERY, *Commissioner*

Approved May 16, 1928.

E. C. FINNEY,

First Assistant Secretary

(List of appraisements omitted.)

The United States and the United Kingdom have been the two most important allies in the world since the end of the Second World War. The United States has been the most powerful country in the world, and the United Kingdom has been the second most powerful country in the world.

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AMENDMENT, PARAGRAPH 15 OF CIRCULAR NO. 522 RELATING TO
DRIVEWAYS FOR STOCK—WITHDRAWALS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 10, 1916.

Registers, United States Land Offices.

On August 8, 1928, the Secretary of the Interior issued paragraph 15 of the regulations contained in Circular No. 121, under the Stock raising homestead act of December 29, 1916 (39 Stat. 805), to read as follows:

(c) Upon the receipt in the proper district land office of a duly executed application, the duplicate for the withdrawal of public lands for private entry by responsible parties in interest, the lands described therein are withdrawn from disposition temporarily, pending field investigation and final action thereon by the Secretary of the Interior. The report of the field agent shall contain serial number to the application, and at once forward one copy to the district inspector and the other copy to the General Land Office, accompanying each copy with a report as to the status of the application as shown by the records of his office.

(b) Pending and during such temporary segregation, applications to be placed and assigned labor may be received and suspended. If the application was created as to the lands covered by suspended applications, it will be approved if otherwise regular. If the application to make removal withdrawal be approved all suspended applications will be approved.

[illegible]

Yours respectfully,
 Theo. C. Hayes,
 Acting Commissioner.

Guided by Instructions of 20 May 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644

RECEIVED

U. S. LAND OFFICE

BILLINGS, MONTANA

Date JAN 28 1929.

Circular No. 1151.

(Revised January 8, 1929.)

GENERAL INFORMATION RELATIVE TO BOUNTY LAND WARRANTS.

UNITED STATES

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

January 8, 1929.

1. Warrants for bounty lands were and are issued by the Commissioner of Pensions for services in wars or battles prior to March 3, 1855, only. Applications for the issuance of warrants should be addressed to that official.

2. Warrants can not now be "located" upon the public lands. The locating privilege was denied except in the State of Missouri after the passage of the act of March 2, 1889 (25 Stat. 854), and there are now no lands known to this office to be subject to warrant location in Missouri.

3. A warrant for bounty lands may be used as cash in commuted homestead, desert land and timber and stone entries, and for lands sold at public auction, except ceded Indian lands.

4. In the instances mentioned above, warrants are received as the equivalent of money to the extent of their valuation at \$1.25 per acre, and it is not necessary to apply the warrant to a specific tract. For instance, a 40-acre warrant will be received as \$50 cash in payment or part payment of the money due.

5. In order to use a warrant as indicated above it is necessary for the party to make application under one of the four classes mentioned and all residence upon and cultivation and improvement of the tract, which may be required by such law and the regulations thereunder, must be fully complied with.

ASSIGNMENTS.

6. No assignment of a warrant or power of attorney to sell or locate the same executed prior to the date of the issue thereof can be recognized by this office. (Rev. Stat., sec. 2436.) Assignments must be in writing. Delivery only constitutes no transfer.

7. The assignment and acknowledgments are required to be indorsed as far as practicable upon the warrant. Should it be found necessary to write the entire assignment on a separate paper, which can only occur when prior assignments or acknowledgments have filled entirely the blank space on the warrant, it must be so attached as to show positively that the warrant assigned was in the hands of the party making the transfer. In such cases the signature of the assignor must be affixed in the presence of the officer

before whom it is acknowledged, who must certify that at the date of the assignment the warrant was presented by and in possession of the assignor. The assignments should describe the warrant by number, act, and acreage. Parties should avoid discrepancies in spelling and write their full Christian names and surnames.

8. The same requirement must be observed in preparing acknowledgments of powers of attorney to sell or locate bounty-land warrants.

9. Blank assignments are void, and will not be recognized by this office. The name of an assignee should be written in the assignment before the warrant is sent to the local or General Land Office. Evidence that such assignee procured the warrant for value under the blank assignment may be required.

10. Each assignment or power of attorney must be attested by two subscribing witnesses. The mark of a witness will not be recognized.

11. A person to whom a warrant is transferred will not be recognized as a legal attesting witness to the assignment, nor as a proper officer to take the acknowledgment thereof.

12. The execution of assignments is required to be acknowledged by the assignor in the presence of a register or receiver of a land office, a judge or clerk of a court of record when authorized to take acknowledgments, a notary public, justice of the peace, a commissioner of deeds, or a United States commissioner, who shall certify to the fact of the acknowledgment and to the identity of the assignor. The official seal of said court, notary public, or commissioner shall be affixed to the certificate. When the acknowledgment is taken before a justice of the peace or other officer without an official seal (except a register or receiver of a land office), it must be accompanied by an additional certificate under seal of proper authority, establishing the official character of such official and the genuineness of his signature.

Powers of attorney must be acknowledged in like manner.

13. Assignments executed by unmarried females must be accompanied by evidence that they have attained the age of 21 years.

14. Assignments executed by a commissioner, or other designated person acting under a decree of court, must be accompanied by a duly certified copy of such decree in which all the proceedings should be recited, and from which it must appear that due, proper, and legal notice of the proceedings had been given to all parties in interest. The jurisdiction of the court must appear. Where assignments can not be procured, the Commissioner of the General Land Office will determine the title to a bounty-land warrant according to the principles and usages of law and equity.

15. Where two assignments exist executed by the same party in favor of different individuals, whether the assignment first in time has been completed or not, to make the second assignment available it must be established

by evidence satisfactory to the General Land Office, either that no title passed under the first assignment or that all claims thereunder have been transferred to the second assignee, renounced, or abandoned:

16. When the name of a person has been inserted in an assignment of a warrant and erased, there should be filed evidence satisfactory to this office consisting of an affidavit duly authenticated, of the assignor or party or parties by whom said name was inserted and the erasure made, fully explaining the facts and circumstances of such insertion and erasure, and stating that no transfer or delivery of said warrant was made to the party whose name had been so inserted, and that the ownership or custody of said warrant had not been changed by such insertion, which affidavit shall be accompanied by satisfactory evidence that a copy of the same has been served personally or by registered letter upon the party whose name was inserted. The affidavit should set forth that the further object thereof is to afford such party an opportunity to file a protest in the General Land Office against the use of the warrant. When the name of a bona fide assignee has been erased from a transfer, an assignment from said assignee to the present holder of the warrant will be required to perfect the title to the warrant. Material erasures in powers of attorney must be satisfactorily explained.

17. When the assignment of a warrant is executed in a foreign country, and the acknowledgment taken by an officer authorized by the laws thereof to perform such duties, the attestation of the American consul in such country should be obtained as to the official character and genuineness of the signature of such official. If the official character, etc., of the foreign officer is attested by a consular agent of such foreign Government residing in this country, the latter's official character must be certified by the diplomatic representatives of such Government in the United States. When such assignments are executed in a foreign language duly authenticated translations thereof must be furnished. Secretaries of legation and consular officers of the United States are authorized to take acknowledgments, but they must certify the same under their official seals.

18. When the persons named as warrantees are described in the warrant as minors, their assignments thereof must be accompanied by satisfactory evidence that they had attained their majority at the date of the transfer.

19. When an assignment has been executed and witnessed, but not acknowledged, it may be proved in open court, but a certified transcript of the proceedings must be attached to the warrant. Such unacknowledged assignment may also be established to the satisfaction of the General Land Office by competent evidence. When such assignment has not been properly attested, it must be made anew.

20. When an assignment is made by an Indian residing among whites the prescribed form will be adopted with this addition, that the officer taking the acknowledgment shall certify that the Indian is capable of contracting the amount paid for the warrant, and that he saw the same paid to the Indian.

21. Where it is made by an Indian holding tribal relations, his identity and ability to contract must be certified by the superintendent of Indian Affairs or Indian agent, either of his own knowledge or on the testimony

of the chiefs certifying to the amount paid for said warrant; that the same was paid in his presence; and that the transaction was fair and regular. In either case, if the amount paid is not a fair consideration, the assignment will be disregarded.

22. Where a warrant for the service of an Indian is issued or descends to minors who no longer retain their tribal relations, it must be located or sold by a guardian duly appointed and authorized by the proper court for that purpose.

Where the minor or minors retain their tribal relations, the agent or superintendent must certify that they are entitled to the warrant under the laws, usages, and customs of the tribe; and when sold or located, that it was done by the guardian or such proper representative as, according to said laws, usages, and customs, was fully authorized.

Where the signature of a superintendent or an Indian agent is required, the genuineness of the signature of that officer must be certified to by the Commissioner of Indian Affairs.

23. Prior to June 3, 1858, bounty-land warrants were regarded as real estate. Consequently a transfer of a warrant before that date by an administrator must be accompanied by evidence that the same was made in pursuance of an order of court for the sale of the real estate of the decedent.

By the act of June 3, 1858 (11 Stat. 308), bounty-land warrants were declared to be personal chattels, and, as such, assignable by the warrantees, by their widows in certain cases, by their heirs or legatees, or by the legal representatives of the deceased claimant "for the use of the heirs or legatees only."

It follows that the right to assign inures to the assignees of the vendors named above, and to their heirs, legatees, or legal representatives; but these latter are not required to assign "for the use of the heirs or legatees only."

24. Where a warrant has been issued in the name of a deceased soldier, who had applied therefor before his death, the title thereto is declared by section 2444, Revised Statutes, to vest in the widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant.

25. If the claimant died and left a widow, who also was deceased before the issue of the warrant, then the title thereto vests in the heirs or legatees of the warrantee.

26. To make a warrant issued in the name of a deceased person available it should be accompanied by a certificate under seal from the proper court having probate jurisdiction, showing the fact of the death of the warrantee at a specified date and place, and whether he left a widow, giving her name, if there was one. If there was no widow the said certificate should state whether the warrantee died testate or intestate and give the names of all his heirs at law, specifying adults and minors. Where the assignee of a warrant is deceased a similar certificate should be exhibited setting forth the fact, time, and place of death, his testacy or intestacy, and, in the event he left no will, the names, ages, and places of residence of all the heirs.

27. If it shall appear from such certificate that the warrantee died before the issue of the warrant and left a widow, the assignment of such widow, her heirs, or legal representatives will be a sufficient conveyance of the warrant.

28. If the warrantee died after the issue of the warrant, or if he died before such issue and left no widow, the title vests in his heirs at law or legatees.

29. If he died intestate his heirs, shown to be such by the required certificate of court, may assign the warrant, the adults for themselves and the minors by their guardians, who shall file with the warrant a certified copy of their letters of guardianship or a certificate from the clerk of the proper court stating that such letters had been issued and that they were in force at the date of the assignment.

Or the administrator of the estate of the deceased warrantee who died intestate may assign the warrant "for the use of the heirs or legatees only," upon filing therewith a certified transcript of the letters of administration or a certificate from the clerk of the proper court that the said letters had been issued and that they were in force at the date of the assignment. Satisfactory evidence may also be required to show that the administrator was appointed at the instance of the heirs or proper parties in interest and transferred the warrant for their benefit.

30. If the warrantee or his assignee died testate a certified transcript of the will must accompany the warrant. If the will specifically disposes of the warrant the legatee or legatees may assign, if adults, in the usual form; if minors, by their guardians as aforesaid. If the will does not specifically dispose of the warrant the executor of the estate of the warrantee may assign "for the use of the heirs or legatees only," but in that case a certified transcript of the letters testamentary or a certificate from the proper authority that such letters had been granted and were in force at the date of the assignment must accompany the transfer.

31. An assignment executed by an administrator de bonis non, with the will annexed, of the estate of the deceased warrantee or transferee must be accompanied by evidence of his authority to act as required in the case of an administrator of the estate of a warrantee who died intestate.

IDENTIFICATION OF LANDS PATENTED IN SATISFACTION OF LAND WARRANTS.

32. Inquiries are constantly being received in this office to ascertain whether a particular soldier has received a grant of land on account of military service. These inquiries are often for the purpose of obtaining information in order to qualify applicants for eligibility in the National Society, Daughters of American Revolution.

33. In order that this office may best answer such inquiries, it is suggested that as much of the following information as is available be furnished:

(a) The full name of the soldier.

(b) The period of his service.

(c) The State from which he entered the service.

(d) The date of his death.

(e) The name of his widow.

(f) The number of the warrant, the acreage, and the act of Congress under which the warrant was issued.

(g) Legal description of the land upon which the warrant is supposed to have been located.

(h) If the legal description is not known, describe the land with respect to its distance and direction from some town or city, naming the State in which it is supposed to be located.

34. The public lands in those States bearing the names of the original 13 colonies, also in Kentucky, Maine, Tennessee, Texas, Vermont, and West Virginia, were disposed of by the State authorities. Therefore, this office has no record of land grants, warrant locations, or land entries made therein and it is suggested that any grant made in such States would probably have been made by the State authorities.

35. The following is a list of officials to be addressed relative to lands in the States mentioned:

Connecticut, The State Treasurer, Hartford.

Delaware, Chairman, Public Lands Commission, Dover.

Georgia, Secretary of State, Atlanta.

Kentucky, Auditor for State, Frankfort.

Maine, State Land Agent and Forest Commissioner, State House,
Augusta.

Maryland, Land Commissioner, Annapolis.

Massachusetts, Department of Conservation, State House, Boston.

New Hampshire, State Forester, Concord.

New Jersey, Board of Conservation and Development, Trenton.

New York, Commissioner of Land Office, Albany.

North Carolina, Secretary of State, Raleigh.

Pennsylvania,	Secretary of Internal Affairs, Harrisburg.
Rhode Island,	No State land.
South Carolina,	Secretary, Sinking Fund Commission, Columbia.
Tennessee,	State Board of Control, Nashville.
Texas,	Commissioner, General Land Office, Austin.
Vermont,	Commissioner of Forestry, Montpelier.
Virginia,	Register of Land Office, Richmond.
West Virginia,	State Tax Commissioner, or State Auditor, Charleston.

WILLIAM SPRY,

Commissioner.

Approved: January 8, 1929.

E. C. FINNEY,

First Assistant Secretary.

Secretary of Internal Affairs, Washington	Pennsylvania
No State Land	Rhode Island
Secretary, Mining and Geological Survey	South Carolina
State Board of Control, Indianapolis	Tennessee
Conservation, General Land Office, Bureau	Texas
Commissioner of Forestry, Washington	Vermont
Secretary of State, Washington	Virginia
State Tax Commission, or State Auditor, Charleston	West Virginia

UNITED STATES

Department

Approved: January 2, 1904.

W. A. RORER.

First Assistant Secretary.

Circular No. 1158.

RELATIVE TO FEES REQUIRED WITH OIL AND GAS PERMIT APPLICATIONS AND OTHER APPLI-
CATIONS AND SELECTIONS. SECTION 31, CIRCULAR NO. 672, CONSTRUED.

CIRCULAR NO. 1115 AMENDED.

- - - 0 - - -

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 1, 1928.

Registers,

U. S. Land Offices.

Gentlemen:

There appears to be a lack of uniformity in the action of the different land offices in the matter of fees for oil and gas permit applications. Some offices collect \$32 and no more as the maximum amount for lands included in one oil and gas application, while others are collecting \$2 additional for any excess acreage above 2,560 acres.

As a matter of equitable administration permits are issued for areas exceeding 2,560 acres by invoking the rule of approximation, and while section 31 of Circular No. 672 provides that the filing fee on an application for permit shall be "\$2 for each 160 acres or fraction thereof," that provision is held to apply only to cases involving less than 2,560 acres, and as the law fixes the limit of 2,560 acres in any one case for which a permit may be issued, the maximum fee of \$32 only should be charged, in cases where the maximum acreage is exceeded but the rule of approximation is not violated.

Hereafter an application for oil and gas prospecting permit will not effect a segregation of the land applied for if not accompanied by at least the minimum fee of \$10. If less than such amount is tendered you will give the application current serial number and allow the applicant thirty days from notice within which to pay the required amount. Should any application for the same land be received in the meantime accompanied by at least the minimum fee the latter application will be given priority over the other.

The above rule as to segregation will also hereafter be applied to agricultural and other kinds of applications or selections where a minimum fee or minimum payment is specified. The minimum fees or payments necessary to gain segregative effect for such other kinds of applications or selections shall be those which are prescribed by existing regulations in connection with the particular application or selection that may be involved.

(over)

Provided, however, That where the laws or regulations so plainly express the full amount of fees or other payments required to be made at the time of filing, that no mistaken interpretation thereof could reasonably be made, the amounts tendered by the conflicting applicants when filing their applications may be an element for consideration in the adjudication of their respective priorities, notwithstanding a tender of the minimum fee has been made by all of them.

The minimum fee, as in the case of all other fees, must be in the form prescribed by paragraph 72, Circular No. 616 (46 L. D., 513), approved August 9, 1918, and as amended by the regulations contained in Circular No. 1008 of May 20, 1925 (51 L. D., 148).

In the matter of oil and gas prospecting permit applications filed upon the effective date of cancellation of an oil and gas prospecting permit, the drawing service fee of \$10 prescribed by Circular No. 1115, approved March 17, 1927, must accompany the application, together with the proper fee required by paragraph 31 (a) Circular No. 672. However, instead of immediately earning the service fee you will carry it in the unearned account until 10 o'clock a. m., and should no other application be filed, thereby obviating the necessity of a drawing, you will return such fee to the applicant by your official check. If more than one application is filed, thus requiring a drawing, the service fee will be earned as instructed by Circular No. 1115. Where only one application is filed the words "neither returnable nor repayable," will be lined out of the notation required by Circular No. 1115 to be made upon such applications.

All existing regulations not in harmony herewith are modified accordingly.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: August 1, 1928.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 1160a

RECEIVED
District Land Office
BILLINGS, MONTANA
AUG 17 1944UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

HOUR _____

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIORPART 295 - WITHDRAWALS AND RESTORATIONS

WITHDRAWALS FOR STOCK DRIVEWAYS AND WATER HOLES

The center head preceding section 295.6 is amended to read
"Withdrawals for Stock Driveways and Water Holes", and section
295.7(c) is amended to read as follows:

"Lands withdrawn for driveways for stock or in connection with water holes are not subject to entry or disposition, and applications for the acquisition of lands so withdrawn will be rejected by the register. Applications to lease or use such lands under any appropriate public land law, until such time as they may be needed for the purposes of the withdrawal, and where the proposed use will not interfere with such purposes, will receive consideration."

(Sec. 11, 39 Stat. 865; 43 U.S.C. 301).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 9, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

C.F.R. noted 8/17/44
C.R.B.

Amended
by
1160-A

7.A.7.

Stock Drive & Water Holes
Withdrawals

1160-A

OFFICE OF THE
DIRECTOR OF THE
BUREAU OF THE
GENERAL INVESTIGATIVE
DIVISION
WASHINGTON

MEMORANDUM FOR THE
DIRECTOR

SUBJECT: [Illegible]

REFERENCE IS MADE TO [Illegible]

THE [Illegible] [Illegible] [Illegible]

IT IS REQUESTED THAT YOU [Illegible]

YOUR [Illegible]

IT IS REQUESTED THAT YOU [Illegible]
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[Illegible] [Illegible] [Illegible]

VERY TRULY YOURS,
[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

Circular No. 1160b

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 295 - WITHDRAWALS AND RESTORATIONS

WITHDRAWALS FOR STOCK DRIVEWAYS AND WATER HOLES

The section headnote for section 295.7 is amended to read "Application for stock-driveway withdrawal; lease and exchange applications to be received, under certain conditions," and paragraph (c) of that section, as amended by Circular 1160a approved August 9, 1944, is further amended as follows:

"(c) Lands withdrawn for driveways for stock or in connection with water holes are not subject to entry or disposition, and applications for the acquisition of lands so withdrawn will be rejected by the register. Applications for the exchange of such lands, which show that they are filed pursuant to a program for the improvement of stock driveways, and applications to lease or use such lands under any appropriate public land law, until such time as they may be needed for the purposes of the withdrawal, and where the proposed use will not interfere with such purpose, will receive consideration."

(Sec. 11, 39 Stat. 865, R.S. 453, 1201; 43 U.S.C., 301, 2, 1201.)

(Sgd) Fred W. Johnson,

Commissioner.

Approved: March 10, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

*Amending 1160-a -
withdrawals & restorations*

1160b

RB.

7A7.

October 10, 1944

Mr. J. Edgar Hoover
Department of Justice
Washington, D.C.

Dear Mr. Hoover:

Enclosed for you are two copies of a letterhead memorandum

dated and captioned as above.

The letterhead memorandum was prepared by the Federal Bureau of Investigation and is being submitted to you for your information and guidance. It contains a summary of the information received from the confidential source who has provided reliable information in the past.

The information received from the confidential source is being submitted to you for your information and guidance. It contains a summary of the information received from the confidential source who has provided reliable information in the past.

Very truly yours,
J. Edgar Hoover

(Enclosure)

October 10, 1944

Mr. J. Edgar Hoover

Department of Justice

Washington, D.C.

Circular No. 1160.

25718

AMENDMENT, PARAGRAPH 15 OF CIRCULAR NO. 523 RELATING TO DRIVEWAYS FOR STOCK.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 10, 1928.

Registers,

U. S. Land Offices.

Gentlemen:

On August 8, 1928, the Secretary of the Interior amended paragraph 15 of the regulations contained in Circular No. 523 under the stock-raising home-steed act of December 29, 1916 (39 Stat. 862), to read as follows:

Driveways for Stock.

15. (a) Upon the receipt in the proper district land office of a duly executed application, in duplicate, for the withdrawals of public lands for a stock driveway by responsible parties in interest, the lands described therein shall be segregated from disposition temporarily, pending field investigation and report and final action thereon by the Secretary of the Interior. The register will assign a current serial number to the application, and at once forward one copy to the division inspector and the other copy to the General Land Office, accompanying each copy with a report as to the status of the affected land as shown by the records of his office.

(b) Pending and during such temporary segregation, applications to enter or select any affected lands may be received and suspended. If the stock driveway be not created as to the lands covered by suspended applications, the same will be allowed, if otherwise regular. If the application to make the stock-driveway withdrawal be approved, all suspended applications will be rejected.

(c) Lands withdrawn for driveways for stock or in connection with water holes can not thereafter be entered or filed upon, and all applications affecting lands so withdrawn will be rejected.

You will give special attention to such applications and immediately furnish the Division Inspector a duplicate copy thereof, and report without delay to this office, with the other copy, the status of each of the tracts involved, and carry out strictly the instructions contained in the amended regulations.

Very respectfully,

1160

1160

THOS. C. HAVELL,
Acting Commissioner.

PETITION FOR RENEWAL OF GRAZING LEASE

District Land Office _____ Serial No. _____

Date _____

The undersigned petitioner_____, _____
_____ of _____ hereby request
that the grazing lease bearing the above-mentioned serial number issued _____
_____, 193____, under authority of section 15 of the
Act of June 28, 1934, (48, Stat., 1269), as amended by the Act of June 26, 1936,
(49 Stat., 1976), be renewed for the following-described lands:

for a term of _____ years, (not more than ten), or for such lesser period as may be fixed by the Secretary of the Interior.

The petitioner_____ control_____ the following lands:

As owner---, the -----
(Description of land)

As lessee_____ of _____ of _____,
 _____ (Name) _____ (Address)
 under lease which will expire _____ 19____, the
 _____ (Date)

(Description of land).

and as lessee of _____ of _____,
 _____ (Name) _____ (Address)
 under lease which will expire _____ 19____, the
 _____ (Date)

(Description of land)

The petitioner own the following number of livestock: -----
Cattle -----; Horses -----; Sheep -----; Goats -----

(Name of Petitioner)

(Name of Petitioner)

Subscribed and sworn to before me:

This the _____ day of _____, 19____

(Official designation of Officer)

CIRCULAR NO. 1161.

REGULATIONS GOVERNING THE LEASING OF
PUBLIC LANDS FOR AIRPORTS
AND AVIATION FIELDS.

Department of the Interior,
General Land Office,
Washington, D. C., August 22, 1928.

Registers,

United States Land Offices.

Sirs:

The following regulations are issued under the act of Congress approved May 24, 1928 (Public No. 499), entitled "An act to authorize the leasing of public lands for use as public aviation fields."

1. Any contiguous unreserved and unappropriated public land, surveyed or unsurveyed, not exceeding 640 acres in area, may be leased under the provisions of this act.

2. All leases will be subject to valid existing rights initiated prior to the date the application for lease is filed.

3. Applications for lease should be in triplicate, addressed to the Commissioner of the General Land Office, and filed in the proper district land office. Applications will be limited to citizens of the United States, or associations of such citizens, to corporations organized under the laws of the United States or of any State or Territory thereof, and municipalities. No specific form of application is required, and no blanks will be furnished, but the application should include in substance the following points and be under oath:

(a) Applicant's name and post-office address.

(b) If a corporation, a certified copy of the articles of incorporation.

(c) If a city or town, evidence of authority of the Mayor or other officer who may be authorized to execute such lease.

(d) Description of the land for which the lease is desired by legal subdivisions, if surveyed, and by mates and bounds, if unsurveyed.

Obsolete
Replaced
by #1867

4. After assignment of a current serial number and due notations on your records, you will forward all papers to the General Land Office. A status report of all the land applied for should be furnished with each application.

5. Upon receipt of the application in the General Land Office, one copy will be referred to the Secretary of Commerce for consideration as to what fuel facilities, lights, and other furnishings are necessary to meet the rating set by that Department. After the Secretary of Commerce has reported, a lease in quadruplicate will be prepared and sent you for execution by the applicant. When executed and returned by you, the lease will be submitted to the Secretary of the Interior, and, if approved, a copy will be sent to the applicant through your office and a copy forwarded to the Department of Commerce.

6. The lessee shall, within six months from the date of the lease, equip the airport as required by the Secretary of Commerce, and file a report thereof in your office for forwarding to the General Land Office.

7. At any time during the term of the lease the Secretary of Commerce may have an inspection made of the airport and if it does not comply with the ratings set by the Department of Commerce that fact, with a statement as to wherein it fails, will be referred to the General Land Office for appropriate action.

8. The Secretary of the Interior may, in his discretion, cancel a lease issued under this act for any of the following reasons: If the lessee fails to use the leased premises or any part thereof, or uses it or any part thereof for a purpose foreign to the proper use, or shall fail to pay the annual rental or any part thereof, or shall fail to maintain the premises according to the ratings set by the Department of Commerce, or shall fail to comply with these regulations or the terms of the lease.

9. Leases under this act shall be for a period not to exceed twenty years and may be renewed for like periods upon agreement of the Secretary of the Interior and the lessee.

10. Every lessee under this act shall pay to the lessor an annual rental of ten dollars per year. The first payment of ten dollars shall be made when the application is filed in your office. All subsequent payments shall be paid in advance on or before the anniversary date of the lease.

11. The lessee shall agree that all departments and agencies of the United States operating aircraft shall have free and unrestricted use of the airport and with the approval of the Secretary of the Interior, any departments or agencies shall have the right to erect and install therein such structures and improvements as are deemed advisable. Whenever the President may deem it necessary for military purposes, the Secretary of War may assume full control of the airports.

12. The lessee will submit to the Secretary of Commerce, for his approval, regulations to govern the use of the airport.

13. The lessor is authorized to cancel any lease for public lands for public aviation fields made under any law in force on the date of this act with the consent of the lessee and to lease such lands to the lessee under the conditions prescribed herein.

14. Government departments and agencies operating aircraft may be granted permission to establish beacon lights and other navigation facilities, except terminal airports, on tracts of unreserved and unappropriated public lands of the United States of appropriate size, on application therefor, under the same rules and regulations prescribed above, except no rental will be charged. They will be withdrawn by the Secretary of the Interior for that purpose on a sufficient showing of the necessity of a withdrawal for such purpose. However, to insure uniformity and centralized control over such facilities, all such applications will be referred to the Secretary of Commerce for consideration and comment.

15. While an application for a lease of not exceeding 640 acres of public lands for a public aviation field under sections 1, 2, and 3 of the act will operate as a segregation of the lands described therein from the time such application is filed in the proper district land office, the Secretary of the Interior is given no authority to withdraw public lands for terminal airports. He may, however, withdraw such lands for beacon lights or other air navigation purposes, including emergency or intermediate landing fields between terminal airports. Such withdrawals may be made on his own motion or at the instance of the Department of Commerce or other Federal agencies, or lessees of terminal airports, or the applicants for such leases.

16. Prior to the approval of the act of May 24, 1928, public lands were subject to withdrawal by the President for public purposes, and the authority of the President to make such withdrawals is in no manner restricted by such act. Where, therefore, unappropriated public lands are desired by the Department of Commerce or other Federal agencies for airport terminals, requests for their withdrawal may be submitted to the Secretary of the Interior, for consideration by the President. All requests for withdrawal should specifically state whether the area is desired for beacon lights, emergency or intermediate landing fields, or terminal airports.

17. All the conditions contained in the prescribed form (4-455) of lease attached hereto, but not mentioned in these regulations, will be considered as a part hereof.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved: August 22, 1928.

ROY O. WEST,
Secretary of the Interior.

Approved: August 22, 1928.

WILLIAM F. MacCRACKEN, Jr.
Acting Secretary of Commerce.

12. The Board is authorized to conduct any investigation which it may deem necessary for the purpose of determining the propriety of the award of the license and to issue orders for the production of documents and the attendance of witnesses.

13. The Board is authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same. The Board is also authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same.

14. The Board is authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same. The Board is also authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same.

15. The Board is authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same. The Board is also authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same.

16. The Board is authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same. The Board is also authorized to make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act, and to enforce the same.

Very respectfully,

Wm. A. Smith

Attorney General

Approved: James H. Jones

Sec. of State

Register of the Interior

Attorney General

James H. Jones

Attorney General

4-455

(August, 1928.)

LEASE OF LANDS FOR USE AS A PUBLIC AIRPORT.

Act May 24, 1928, Public No. 499.
(To be executed in quadruplicate.)

Serial No.

This indenture of lease, entered into this _____ day of _____ 19____, by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the First Assistant Secretary of the Interior, and

party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and conditions of the act of Congress of May 24, 1928 (Public No. 499), entitled "An Act to authorize the leasing of public lands for use as public aviation fields," and the regulations thereunder:

WITNESSETH:

Section 1. That the lessor, in consideration of rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege of maintaining an airport on the following-described tract of land, to-wit:

containing approximately _____ acres, together with the right to construct and maintain thereon all buildings or other improvements necessary as an airport for the accommodation of the public for a period of _____ years, with the preferential right in the lessee to renew this lease for a like period upon such terms and conditions as may be agreed upon between the lessor and the lessee, unless otherwise provided by law or regulations at the time of the expiration of such period.

Section 2. For and in consideration of the foregoing, the lessee hereby agrees:

(a) To establish a public airport on said tract and to maintain same during the life of this lease.

(b) To pay the lessor a yearly rental of ten dollars.

(c) To complete the construction of facilities for service, fuel, and other supplies necessary to make the land available for public use as an airport within six months from the execution of this lease.

(d) That he will at all times keep the airport equipped and maintained in accordance with the ratings set by the Department of Commerce.

(e) That all departments and agencies of the Government operating aircraft shall have free and unrestricted use of the airport and with the approval of the lessor shall have the right to erect and install thereon such structures and improvements as the heads of such departments and agencies deem advisable including facilities for maintaining supplies of fuel, oil, and other materials, for operating aircraft.

(f) That whenever the President may deem it necessary for military purposes, the Secretary of War may assume full control of the airport.

(g) Not to allow the use of the premises included in this lease for unlawful purposes, or for any purpose not in harmony with the proper use as an airport.

(h) That authorized representatives of the lessor or of the Department of Commerce shall at any time have the right to enter the leased premises for the purpose of inspection and shall have free access to the books, containing records of operations under authority of this lease.

(i) Not to assign this lease without the consent of the Secretary of the Interior first had and obtained.

Section 3. It is further understood and agreed that rates and prices for accommodation and service may be fixed by the Secretary of the Interior whenever it is deemed necessary.

(a) That if the lessee shall fail to use the premises or any part thereof, or shall use it or any part thereof foreign to the proper use, or shall fail to pay the annual rental or any part thereof or shall fail to comply with the provisions of this lease or shall fail to maintain the premises according to the ratings set by the Department of Commerce, the lessor may, in his discretion, terminate and cancel this lease.

(b) That upon the termination of this lease by expiration it may be renewed for a like period upon agreement of the lessor and the lessee, under such rules and regulations as then exist.

(c) That upon the termination of this lease by expiration or forfeiture thereof, or whenever the United States may claim the right of possession as herein provided, the lessee agrees to surrender possession of the premises to the United States and to comply with such provisions and conditions respecting the removal of the improvements and equipment on the property as may be made by the Secretary of the Interior.

In Witness Whereof, I,

party of the second part, have hereto affixed my signature and official seal
this day of

By _____

(SEAL)

In Witness Whereof, and as representative of the United States of
America, party of the first part, I have hereunto affixed my signature and
official seal of this Department this day of

The United States of America

By _____
First Assistant Secretary of the Interior.

(SEAL)

In Witness Whereof, I

have hereunto set my hand and official seal

at

the

(Date)

In Witness Whereof, and as representation of the United States of America, I have hereunto set my hand and official seal at this Department City

at

The United States of America

BY

Chief Assistant Secretary of the Interior

(Signature)

made at the time of filing, that no mistaken interpretation thereof could reasonably be made, the amounts tendered by the conflicting applicants when filing their applications may be an element for consideration in the adjudication of their respective priorities, notwithstanding a tender of the minimum fee has been made by all of them.

The minimum fee, as in the case of all other fees, must be in the form prescribed by paragraph 72, Circular No. 616 (46 L. D. 513), approved August 9, 1918, and as amended by the regulations contained in Circular No. 1008 of May 20, 1925 (51 L. D. 148).

In the matter of oil and gas prospecting permit applications filed upon the effective date of cancellation of an oil and gas prospecting permit, the drawing service fee of \$10 prescribed by Circular No. 1115, approved March 17, 1927, must accompany the application, together with the proper fee required by paragraph 31 (a) Circular No. 672. However, instead of immediately earning the service fee you will carry it in the unearned account until 10 o'clock a. m. and should no other application be filed, thereby obviating the necessity of a drawing, you will return such fee to the applicant by your official check. If more than one application is filed, thus requiring a drawing, the service fee will be earned as instructed by Circular No. 1115. Where only one application is filed the words "neither returnable nor repayable," will be lined out of the notation required by Circular No. 1115 to be made upon such applications.

All existing regulations not in harmony herewith are modified accordingly.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved August 1, 1928.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 52 L. D. 483]

CIRCULAR NO. 1162

REQUIRING PROPER DESCRIPTION OF LAND IN OIL AND GAS
APPLICATIONS

DEPARTMENT OF THE INTERIOR.
GENERAL LAND OFFICE,
Washington, August 29, 1928.

Registers, United States Land Offices.

SIRS: In connection with applications for oil and gas permits filed in your offices it has been found that many of the applications describe lands not in conformity with the latest plat of survey, while in others the description is very uncertain. In a few instances the applicant has described certain tracts by lots or otherwise and added "and all other vacant land within" certain sections or parts of sections.

In order to avoid the uncertainty as to the lands desired and to obviate considerable extra correspondence in relation thereto, you are

directed to examine each application in connection with the plats of survey and if discrepancies or uncertainties exist you will immediately advise the applicant thereof and allow him 15 days within which to give a proper description of the land and that upon his failure to do so the application will be considered only as to the tracts of land described in conformity with the latest plats of survey, the balance of the application being rejected.

This matter can be attended to during the period of 30 days you hold the application in your office under the regulations and upon submission of such application to this office you will forward a copy of all the correspondence had with evidence of service and advise as to the action taken by the applicant.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved August 29, 1928.

E. C. FINNEY,
First Assistant Secretary.

CIRCULAR No. 926

EXPIRATION OF PROSPECTING PERMITS—ACTS OF OCTOBER 2, 1917,
FEBRUARY 25, 1920, AND FEBRUARY 7, 1927

INSTRUCTIONS

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE,
Washington, December 1, 1928.

Registers, United States land offices.

SIRS: The instructions of April 5, 1924 (Circular No. 926, 50 L. D. 364), are revised to read as follows:

Action taken by certain district land offices on applications for lands which have been included in prospecting permits outstanding for more than two years indicate that not all district land officials fully understand the status of such permits, and in order that the matter may be made clear, you are instructed as follows:

Permits to prospect for potash under the acts of October 2, 1917, and February 7, 1927 (Circulars No. 594, 46 L. D. 323, and No. 1120, 52 L. D. 84), and for sodium under the act of February 25, 1920 (Circular No. 699, 47 L. D. 529), are issued for terms of two years without provision for extensions of time. If application for patent or lease, based on claim of discovery within the 2-year period, is not filed, the permit expires by limitation fixed by both the law and the terms of the permit, and is no longer a bar to the allowance of other filings for the land which it embraced. No formal action to terminate the permit is necessary or will ordinarily be taken.

Coal permits may be extended for a period of two years pursuant to the act of March 9, 1928 (45 Stat. 251). Therefore, a coal permit can not be considered as expired until the full period for which granted and for which it may be extended has elapsed, except permits which expired on or before March 9, 1928, and no extension thereof has been applied for, or permits regularly canceled and the cancellation noted on your records. Where application for lease has not been filed, a coal permit will, at the end of four years from date of issue, be considered no longer in force and no bar to other applications for the lands described therein.

...land shall have been omitted from the official survey, plat of which is now on file in the General Land Office, the Commissioner of the General Land Office be, and he is hereby, authorized to cause such areas to be surveyed and platted in such a manner as will segregate the several holdings of the bona fide occupants of such areas as shown by their occupation and improvements.

UTAH LANDS

Circular No. 1163

RELIEF OF OCCUPANTS AND CLAIMANTS OF CERTAIN LANDS IN UTAH

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,

Washington, D. C., September 8, 1928.

REGISTER, UNITED STATES LAND OFFICE,

Salt Lake City, Utah.

SIR: The act of Congress approved April 15, 1920 (41 Stat. 533), entitled "An act for the relief of occupants and claimants of unsurveyed public land in township eight north of range two west of Salt Lake meridian, Utah," provides:

That on the survey of any areas of public land in sections ten, fifteen, twenty-two, and twenty-seven, in township eight north, range two west of the Salt Lake base and meridian, in the State of Utah, which may be found to have been erroneously omitted from the official survey, plat of which is now on file in the General Land Office, the Commissioner of the General Land Office be, and he is hereby, authorized to cause such areas to be surveyed and platted in such a manner as will segregate the several holdings of the bona fide occupants of such areas as shown by their occupation and improvements.

SEC. 2. That under such rules and regulations as the Secretary of the Interior shall prescribe all such bona fide occupants as shall have had adverse possession by themselves or their grantors for seven years prior to the approval of the plat of survey provided for herein shall have a preferred right at any time within six months after the approval of such plat of survey to purchase at the rate of \$2.50 per acre the lands so occupied and improved in such parcels as the same are so held and possessed by each of them, not to exceed in any one case one hundred and sixty acres.

SEC. 3. That in lieu of any portion of such areas which may be found to lie within the limits of a grant to any railroad company and to have been for the period of seven years mentioned in the preceding section in the possession of a bona fide occupant or occupants claiming otherwise than through such company, such railroad company shall be entitled to select other lands in accordance with the terms and restrictions of the act of Congress approved June 22, 1874: *Provided*, That the land described in one certain patent of the United States, dated September 16, 1884, to the Central Pacific Railroad Company as lot five of the northwest quarter of section fifteen of the township and range aforesaid, containing thirty-three and nineteen one-hundredths acres, shall not form the basis for any such lieu selection; but the survey hereinbefore provided for shall be so made as to identify said tract; and title to said tract is hereby confirmed in said railway company and its grantees.

Attention is invited to that portion of the act in which it is stated:

All such bona fide occupants as shall have had adverse possession by themselves or their grantors for seven years prior to the approval of the plat of survey provided for herein shall have a preferred right at any time within six months after the approval of such plat of survey to purchase at the rate of \$2.50 per acre the land so occupied and improved.

Said lands are not subject to disposal until the plats of survey thereof shall have been officially filed in the district land office. It is evident that it was the intent of Congress to grant bona fide occupants a period of six months from the date of the filing of the plat of survey within which to assert their preference right to purchase the lands, rather than from the date of the approval of the plat.

The following regulations are for the guidance of your office and the public in regard to the above-quoted act.

Applications to purchase under this act must be sworn to and may be executed before any officer having a seal and authorized to administer oaths in the land district in which the lands are located and ~~must be filed in your office within six months from the filing of the~~ plats of survey. The applicant must show that he is bona fide occupant of the land applied for; must describe the land which he desires to purchase, the kind, character, and value of the improvements on the land covered by the application; when they were placed thereon, the extent of the cultivation, if any, and how long continued, and that he has had adverse possession by himself or his grantors for seven years prior to the approval of the plat of survey. This application must be supported by affidavits of two persons having personal knowledge of the facts alleged in the application. Upon receipt of such application you will assign a current serial number thereto and promptly forward same to the Commissioner of the General Land Office.

If, upon consideration of the application in the General Land Office, it shall be determined that the applicant is entitled to purchase the lands applied for, you will be authorized to notify the applicant at once, by registered mail, that he must, within 80 days from service of notice, deposit with you the purchase price, or thereafter and without further notice forfeit all rights under his application.

Upon payment of the purchase price of the land except as to lands covered by the last paragraph of these regulations, you will issue notice of publication. Such notice shall be published at the expense of the applicant in a newspaper of general circulation designated by you in the vicinity of the lands once a week for five consecutive weeks immediately prior to the date of sale, but a sufficient time should elapse between the date of last publication and date of sale to enable the affidavit of the publisher to be filed in the district office. The notice will advise all persons claiming adversely to the applicant that they should file any objections or protests against the allowance of the application within the period of publication, otherwise the application may be allowed. Any objections or protests must be under oath, corroborated, and a copy thereof served upon the applicant. You will cause a notice similar to the notice for publication to be posted in the district land office, such notice to remain posted during the entire period of publication. The publisher of the newspaper must file in the district land office prior to the date fixed for the sale, evidence that publication has been had for the required period, which evidence must consist of the affidavit of the publisher, accompanied by a copy of the notice published.

Upon submission of satisfactory proof, you will, if no protest or contest is pending, allow a final entry and issue final certificate, transmitting same to the General Land Office with your regular monthly returns.

Should any application be filed for lands in the odd sections which are within the limits of the grant made to the Central Pacific Railroad Co. by persons claiming under the act mentioned, you will forward same to this office without requiring publication but making your recommendations. This office will then consider the application in connection with the right of the railroad company to make a selection in lieu of the land applied for by the occupant. Publication will thereafter be required if the application is found to be allowable.

THOS. C. HAVELL,
Acting Commissioner.

Approved September 8, 1928.

E. C. FINNEY,
First Assistant Secretary.

REGULATIONS FOR THE SALE OF TOWN LOTS IN TABOR, MONT.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,

Washington, September 26, 1928.

Tabor, Great Falls, Mont.

That Under the provisions of the act of June 21, 1906 (34 Stat. 4), you are directed to cause the unreserved and undisposed of lots in the town of Tabor (formerly Charlot), within the former Flathead Indian Reservation, Mont., to be offered for sale at public auction under your supervision at not less than their appraised value on Saturday, October 27, 1928, beginning at 10 o'clock a. m. at Tabor, in the manner and under the terms hereinafter prescribed:

Manner.—Bids may be made either in person or by agent, but not by mail nor at any time or place other than the time and place when the lots are offered for sale hereunder, and any person may purchase any number of lots for which he is the highest bidder. Bidders will be required to show any qualifications as to age, citizenship, or otherwise. If any successful bidder fails to make the payment required on the date of the sale, the lot awarded to him shall be offered for sale on the following day.

Terms.—No lot will be sold for less than the appraised value, and any lot sold for \$10 or less must be paid for in cash on the day of sale. A minimum of \$10 and at least 25 per centum of the bid price for each lot sold for more than \$10 must be paid on the date of the sale, and the remainder, if the price bid is \$50 or less, within one year from the date of the sale; if the price bid be over \$50 and less than \$100, 75 per cent of the cost may be divided into two equal payments due, respectively, one and two years from the date of the sale; if the price bid be \$100 or more, the 75 per cent remaining unpaid may be divided into three equal payments, due, respectively, one, two, and three years from the date of sale. No entry will be made until payment has been made in full for the lot, but in case of partial payment the register will issue a nontransferable memorandum duplicate certificate showing the amount of the bid and the date of the sale, and reciting the right of the purchaser to make entry upon completing the payments; the register in such case will issue a memorandum receipt for the money paid. Nothing herein will prevent the transfer of the interests secured by the purchase and the partial payment of the lot, by deed, but the assignee will acquire no greater right than that of the original purchaser and the final entry and patent will issue to the original purchaser when the payments are made.

Forfeiture.—If any person who has made partial payment on the lot purchased by him fails to make any succeeding payment required under these regulations at the date such payment becomes due, the money deposited by such person for such lot will be forfeited and the lot, after forfeiture is declared, will be subject to disposition. Lots remaining unsold at the close of sale or thereafter declared forfeited for nonpayment of any part of the purchase price under the terms of the sale will be subject to private entry for cash at their appraised value.

The division inspector has recommended that provision be made for the purchase of blocks 30 to 35, inclusive, at the appraised value in case the town should incorporate or form a legal association qualified to make such purchase. Said blocks have, therefore, been withheld from the sale in order that the town may purchase them if so desired and becomes qualified to make the purchase.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States.

The newspapers in the vicinity of Tabor should be given copies of the notice of the sale as an item of news, and such other publicity should be given thereto as can be done without expense.

You are authorized to cause any lot to be reappraised which in your judgment is not appraised at the proper amount, and you may reject any and all bids for any lot and at any time suspend, adjourn or postpone the sale of any lot or lots to such time and place as you may deem proper. A schedule of lots showing the appraised value is attached.

Very respectfully,

WILLIAM SPEY, Commissioner

Approved September 26, 1928.

Circular No. 1166.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1308889 "K" ME

September 26, 1928.

REGULATIONS FOR THE SALE OF TOWN LOTS IN TOWNS WITHIN THE HUNTLEY PROJECT
IRRIGATION DISTRICT, MONTANA.

Register,

Billings, Montana.

Sir:

Under and pursuant to the acts of April 16, 1906, and June 27, 1906 (34 Stat. 116, 519), and the general regulations issued under section 2381, Revised Statutes, Circular No. 1122, the unsold lots in the townsites of Huntley, Worden, Osborn, Ballantine, Anita, and Pompeys Pillar, within the Huntley Project Irrigation District, Montana, included in the attached list, will be offered for sale at public auction at not less than their appraised value at 10 a. m., October 8, 1928, in your office.

You are hereby detailed as auctioneer and superintendent of the sale of said lots. This detail is in connection with your duties as Register of the district land office, and you will receive no additional compensation for conducting the sale.

Full payment for the lots may be made in cash, at the time of the sale or one-fifth in cash and the balance in four equal annual installments with interest at six per cent per annum on the deferred payments.

At the conclusion of the offering, you will close the sale.

All lots sold subsequent to said public sale shall be sold in your office at the appraised value for cash at the time of the sale, or two-fifths in cash, and the balance in three equal annual installments with interest at six per cent on the deferred payments.

I am transmitting herewith copies of the appraisal list of the lots to be offered for sale, a copy of a report, and the recommendation of the District Counsel, Bureau of Reclamation, dated September 8, 1928, a copy

of the letter of approval of the appraisal dated September 21, 1928, and a copy of instructions of August 28, 1928, recommending the appraisal and sale of said lots. Plats of said townsites are also inclosed.

Mimeograph copies hereof will be furnished you when available.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: September 26, 1928.

E. C. FINNEY,

First Assistant Secretary.

.17 30.12
APPRAISAL OF LOTS WITHIN TOWNSITES IN THE
HUNTLEY PROJECT IRRIGATION DISTRICT, MONTANA.

HUNTLEY

Block 5.

Lot 8 - - - \$20.00
 " 9 - - - 20.00
 " 10 - - - 5.00
 " 11 - - - 5.00
 " 12 - - - 5.00
 " 13 - - - 5.00
 " 14 - - - 10.00

Lot 15 - - - \$20.00
 " 16 - - - 20.00
 " 17 - - - 20.00
 " 18 - - - 20.00
 " 19 - - - 20.00
 " 20 - - - 20.00
 " 21 - - - 20.00

Block 8.

Lot 6 - - - \$15.00
 " 7 - - - 15.00
 " 8 - - - 12.00

Lot 9 - - - \$10.00
 " 10 - - - 5.00

Block 9.

Lot 1 - - - \$10.00
 " 2 - - - 10.00
 " 3 - - - 10.00
 " 4 - - - 10.00
 " 5 - - - 10.00
 " 6 - - - 10.00
 " 9 - - - 10.00
 " 10 - - - 10.00
 " 11 - - - 10.00
 " 12 - - - 10.00
 " 13 - - - 10.00
 " 14 - - - 10.00
 " 15 - - - 10.00
 " 16 - - - 10.00
 " 17 - - - 10.00
 " 18 - - - 10.00

Lot 19 - - - \$10.00
 " 20 - - - 10.00
 " 21 - - - 10.00
 " 22 - - - 10.00
 " 23 - - - 10.00
 " 30 - - - 10.00
 " 31 - - - 10.00
 " 32 - - - 10.00
 " 33 - - - 10.00
 " 34 - - - 10.00
 " 35 - - - 10.00
 " 40 - - - 10.00
 " 41 - - - 10.00
 " 42 - - - 10.00
 " 47 - - - 10.00
 " 48 - - - 10.00

Block 10.

Lot 1 - - - \$15.00
 " 5 - - - 15.00
 " 6 - - - 15.00
 " 7 - - - 15.00
 " 8 - - - 15.00

Lot 9 - - - \$15.00
 " 10 - - - 15.00
 " 11 - - - 15.00
 " 12 - - - 15.00

Block 11.N $\frac{1}{2}$ - - - \$100.00S $\frac{1}{2}$ - - - \$100.00Block 12.N $\frac{1}{2}$ - - - \$50.00Block 13.

North part 25.00

S. part - \$50.00

Block 20.

Lot 11 - - \$15.00

" 12 - - 15.00

" 13 - - 15.00

Lot 15 - - \$15.00

" 16 - - 15.00

Block 22.

Lot 9 - - \$10.00

" 10 - - 10.00

" 11 - - 10.00

" 12 - - 10.00

Lot 13 - - \$10.00

" 14 - - 10.00

" 15 - - 10.00

" 16 - - 10.00

Block 24.E $\frac{1}{2}$ - - - \$75.00W $\frac{1}{2}$ - - - \$75.00Block 26.E $\frac{1}{2}$ - - - \$75.00W $\frac{1}{2}$ - - - 75.00Block 28.E $\frac{1}{2}$ - - - \$75.00W $\frac{1}{2}$ - - - 75.00Block 51.

All - - - \$36.00

Block 52.

All - - - \$36.00

Block 53.

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00
 " 5 - - - 3.00

Lot 6 - - - \$3.00
 " 7 - - - 3.00
 " 9 - - - 3.00
 " 10 - - - 3.00

Block 54.

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 5 - - - 3.00

Lot 6 - - - \$3.00
 " 10 - - - 3.00
 " 11 - - - 3.00
 " 12 - - - 3.00

Block 59.

$E\frac{1}{2}$ - - - - \$12.00

$W\frac{1}{2}$ - - - - \$12.00

Block 60.

All - - - - \$6.00

Block 61.

$E\frac{1}{2}$ - - - - \$30.00

$W\frac{1}{2}$ - - - - \$20.00

Block 55.

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00

Lot 5 - - - \$3.00
 " 6 - - - 3.00
 " 7 - - - 3.00
 " 8 - - - 3.00
 " 9 - - - 6.00

Block 58.

West part - \$30.00

$E\frac{1}{2}$ - - - - \$30.00

Block 62.

$W\frac{1}{2}$ - - - - \$30.00

$E\frac{1}{2}$ - - - - \$30.00

Block 63.E $\frac{1}{2}$ - - - - \$30.00W $\frac{1}{2}$ - - - - \$30.00Block 67.E $\frac{1}{2}$ - - - - \$30.00W $\frac{1}{2}$ - - - - \$30.00Block 68.

E. part - - \$10.00

W. part - \$10.00

Block 69.

Lot 1 - - - \$2.00

" 3 - - - 2.00

Lot 2 - - \$2.00

Block 70.

Lot 1 - - - \$2.00

" 6 - - - 2.00

" 8 - - - 2.00

" 9 - - - 2.00

" 10 - - - 2.00

" 4 - - - 3.00

Lot 11 - - \$2.00

" 12 - - 2.00

" 13 - - 2.00

" 14 - - 2.00

" 2 - - 3.00

" 3 - - 3.00

" 5 - - 3.00

Block 71.W $\frac{1}{2}$ - - - - \$30.00E $\frac{1}{2}$ - - - - \$30.00Block 72.W $\frac{1}{2}$ - - - - \$30.00E $\frac{1}{2}$ - - - - \$30.00Block 79.

Lot 1 - - - \$3.00

" 2 - - - 3.00

" 3 - - - 3.00

" 4 - - - 3.00

" 5 - - - 3.00

" 6 - - - 3.00

Lot 7 - - \$5.00

" 8 - - 3.00

" 9 - - 3.00

" 10 - - 3.00

" 11 - - 3.00

Block 80

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00
 " 5 - - - 2.00
 " 6 - - - 4.00

Lot 7 - - - \$3.00
 " 8 - - - 3.00
 " 9 - - - 3.00
 " 10 - - - 3.00
 " 11 - - - 3.00

Block 81

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00
 " 5 - - - 3.00
 " 6 - - - 3.00
 " 7 - - - 3.00
 " 10 - - - 3.00

Lot 11 - - - \$3.00
 " 12 - - - 3.00
 " 13 - - - 3.00
 " 14 - - - 3.00
 " 15 - - - 3.00
 " 16 - - - 3.00
 " 17 - - - 3.00

Block 82

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00
 " 5 - - - 3.00
 " 6 - - - 3.00
 " 7 - - - 3.00
 " 8 - - - 3.00
 " 11 - - - 3.00

Lot 12 - - - \$3.00
 " 13 - - - 3.00
 " 14 - - - 3.00
 " 15 - - - 3.00
 " 16 - - - 3.00
 " 17 - - - 3.00
 " 18 - - - 3.00
 " 19 - - - 3.00

WORDENBlock 19.

Lot 1 - - - \$50.00
 " 2 - - - 45.00
 " 3 - - - 45.00
 " 4 - - - 45.00
 " 5 - - - 45.00
 " 6 - - - 45.00

Lot 7 - - - \$45.00
 " 8 - - - 45.00
 " 9 - - - 45.00
 " 10 - - - 45.00
 " 11 - - - 45.00
 " 12 - - - 50.00

Block 20.

Lot 1 - - - \$10.00
 " 2 - - - 10.00
 " 3 - - - 10.00
 " 4 - - - 10.00
 " 5 - - - 10.00
 " 6 - - - 10.00
 " 7 - - - 10.00
 " 8 - - - 10.00

Lot 9 - - - \$10.00
 " 10 - - - 10.00
 " 11 - - - 10.00
 " 12 - - - 10.00
 " 13 - - - 10.00
 " 14 - - - 10.00
 " 15 - - - 10.00
 " 16 - - - 10.00

Block 27.

Lot 1 - - - \$10.00
 " 2 - - - 10.00
 " 3 - - - 10.00
 " 4 - - - 10.00
 " 5 - - - 10.00
 " 6 - - - 10.00
 " 7 - - - 10.00

Lot 8 - - - \$10.00
 " 9 - - - 10.00
 " 10 - - - 10.00
 " 11 - - - 10.00
 " 12 - - - 10.00
 " 13 - - - 10.00
 " 14 - - - 10.00
 " 15 - - - 10.00
 " 16 - - - 10.00

Block 29.

Lot 4 - - - \$50.00

Lot 5 - - - \$50.00

Block 30.

Lot 1 - - - \$10.00
 " 2 - - - 10.00
 " 3 - - - 10.00
 " 4 - - - 10.00
 " 5 - - - 5.00
 " 6 - - - 12.00

Lot 7 - - - \$10.00
 " 8 - - - 10.00
 " 9 - - - 10.00
 " 10 - - - 10.00
 " 11 - - - 10.00

Block 39

Lot 13 - - - \$60.00
 " 14 - - - 60.00
 " 15 - - - 60.00
 " 16 - - - 60.00
 " 17 - - - 60.00
 " 18 - - - 60.00

Lot 19 - - - \$60.00
 " 20 - - - 60.00
 " 21 - - - 60.00
 " 22 - - - 60.00
 " 23 - - - 60.00
 " 24 - - - 60.00

Block 47

Lot 1 - - - \$50.00
 " 2 - - - 50.00
 " 3 - - - 50.00

Lot 4 - - - \$50.00
 " 14 - - - 75.00
 " 15 - - - 75.00

Block 48

Lot 1 - - - \$50.00
 " 2 - - - 50.00
 " 3 - - - 50.00

OSBORN

Blocks 1-2-3, all \$54 each

Block 8 all \$55.

Block 4, " \$30

Block 9 " \$66

Block 5, " \$40

Block 10 " \$60

Block 6, " \$55

Block 11 " \$25

Block 7, " \$55

Block 15 " \$76

Block 16

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00
 " 5 - - - 3.00
 " 6 - - - 5.00
 " 7 - - - 5.00

Lot 8 - - - \$6.00
 " 9 - - - 3.00
 " 10 - - - 3.00
 " 11 - - - 3.00
 " 12 - - - 3.00
 " 13 - - - 3.00

Block 17

Lot 1 - - - \$5.00
 " 2 - - - 6.00
 " 3 - - - 3.00

Lot 4 - - - \$3.00
 " 5 - - - 4.00
 " 6 - - - 5.00

Block 18

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00
 " 5 - - - 3.00
 " 6 - - - 3.00

Lot 7 - - - \$3.00
 " 8 - - - 3.00
 " 9 - - - 3.00
 " 10 - - - 3.00
 " 11 - - - 3.00

Block 18

Lot 12 - - - \$3.00
 " 13 - - - 3.00
 " 14 - - - 3.00

Lot 15 - - - \$3.00
 " 16 - - - 3.00

Block 19

Lot 1 - - - \$3.00
 " 2 - - - 3.00
 " 3 - - - 3.00
 " 4 - - - 3.00
 " 5 - - - 3.00
 " 6 - - - 3.00
 " 7 - - - 3.00
 " 8 - - - 3.00

Lot 9 - - - \$3.00
 " 10 - - - 3.00
 " 11 - - - 3.00
 " 12 - - - 3.00
 " 13 - - - 3.00
 " 14 - - - 3.00
 " 15 - - - 3.00
 " 16 - - - 3.00

Block 20

All - - - - \$55.00

Block 23

All - - - - \$55.00

Block 25

$E\frac{1}{2}$ - - - - \$26.00

$W\frac{1}{2}$ - - - - \$26.00

Block 26

$E\frac{1}{2}$ - - - - \$26.00

$W\frac{1}{2}$ - - - - \$26.00

Block 27

$N\frac{1}{2}$ - - - - \$26.00

$W\frac{1}{2}$ - - - - \$26.00

Block 34

Lot 1 - - - \$3.00
 " 2 - - - 3.00

Lot 3 - - - \$3.00
 " 4 - - - 3.00

Block 28

All - - - - \$40.00

Block 32N $\frac{1}{2}$ - - - - \$25.00S $\frac{1}{2}$ - - - - \$25.00Block 24E $\frac{1}{2}$ - - - - \$25.00W $\frac{1}{2}$ - - - - \$25.00Block 33E $\frac{1}{2}$ - - - - \$25.00W $\frac{1}{2}$ - - - - \$25.00Block 34

Lot 5 - - - \$8.00

" 6 - - - 8.00

" 7 - - - 8.00

" 8 - - - 8.00

" 9 - - - 8.00

" 10 - - - 8.00

Lot 11 - - - \$8.00

" 12 - - - 8.00

" 13 - - - 8.00

" 14 - - - 8.00

" 15 - - - 8.00

" 16 - - - 5.00

Block 35

Lot 1 - - - \$6.00

" 2 - - - 8.00

" 3 - - - 8.00

" 4 - - - 8.00

Lot 5 - - - \$8.00

" 6 - - - 8.00

" 7 - - - 8.00

" 8 - - - 6.00

Block 39

Lot 1 - - - \$6.00

" 2 - - - 6.00

" 3 - - - 7.00

" 4 - - - 8.00

Lot 5 - - - \$6.00

" 6 - - - 6.00

" 7 - - - 6.00

" 8 - - - 8.00

Block 40

Lot 2 - - - \$8.00

" 3 - - - 8.00

" 4 - - - 8.00

" 5 - - - 8.00

" 6 - - - 8.00

" 7 - - - 8.00

" 9 - - - 8.00

Lot 10 - - - \$8.00

" 11 - - - 8.00

" 12 - - - 8.00

" 13 - - - 8.00

" 14 - - - 8.00

" 15 - - - 8.00

" 16 - - - 8.00

Block 41.

Lot 1 - - - \$8.00
 " 8 - - - 8.00
 " 9 - - - 8.00
 " 10 - - - 8.00
 " 11 - - - 8.00

Lot 12 - - - \$8.00
 " 13 - - - 8.00
 " 14 - - - 8.00
 " 15 - - - 8.00
 " 16 - - - 8.00

Block 42

$N\frac{1}{2}$ - - - - \$64.00

$S\frac{1}{2}$ - - - - \$64.00

Block 43.

$N\frac{1}{2}$ - - - - \$64.00

$S\frac{1}{2}$ - - - - \$64.00

Block 44

$N\frac{1}{2}$ - - - - \$64.00

$S\frac{1}{2}$ - - - - \$64.00

Block 46

All - - - - \$138.00

Block 47.

All - - - - \$138.00

Block 56

Lot 8 - - - \$50.00
 " 9 - - - 50.00
 " 10 - - - 50.00
 " 11 - - - 50.00

Lot 12 - - - \$50.00
 " 13 - - - 100.00
 " 14 - - - 130.00

Block 51

All - - - - \$35.00

Block 52

All - - - - \$54.00

Block 48

All - - - - \$50.00

Block 49

All - - - - \$12.00

Block 57

Lot 1 - - - \$94.00
 " 2 - - - 50.00

Lot 3 - - - \$50.00
 " 4 - - - 50.00

BALLANTINEBlock 2

Lot 11 - - - \$50.00

Block 8

Lot 13 - - - \$75.00

Lot 14 - - - \$75.00

Block 11

Lot 4 - - - \$75.00

ANITABlock 1

All - - - \$41.00

Block 2

N $\frac{1}{4}$ - - - \$19.00

S $\frac{1}{2}$ - - - \$19.00

Block 3

Lot 1 - - - \$2.50
 " 2 - - - 2.50
 " 3 - - - 2.50
 " 4 - - - 2.50
 " 5 - - - 2.50
 " 6 - - - 2.50
 " 7 - - - 2.50
 " 8 - - - 2.50

Lot 9 - - - \$2.50
 " 10 - - - 2.50
 " 11 - - - 2.50
 " 12 - - - 2.50
 " 13 - - - 2.50
 " 14 - - - 2.50
 " 15 - - - 2.50
 " 16 - - - 2.50

Block 5

Lot 1 - - - \$5.00
 " 2 - - - 2.50
 " 3 - - - 2.50
 " 4 - - - 2.50
 " 5 - - - 2.50
 " 6 - - - 2.50

Lot 7 - - - \$2.50
 " 8 - - - 2.50
 " 9 - - - 2.50
 " 10 - - - 2.50
 " 11 - - - 2.00

Block 15

Lot 1 - - - \$2.50
 " 2 - - - 2.50
 " 3 - - - 2.50
 " 4 - - - 2.50
 " 5 - - - 3.50
 " 6 - - - 4.00

Lot 7 - - - \$2.50
 " 8 - - - 2.50
 " 9 - - - 2.50
 " 10 - - - 2.50
 " 11 - - - 2.50
 " 12 - - - 2.50

Block 16

Lot 1 - - - \$2.50
 " 2 - - - 2.50
 " 3 - - - 2.50
 " 4 - - - 2.50
 " 5 - - - 2.50
 " 6 - - - 2.50
 " 7 - - - 2.50
 " 8 - - - 2.50

Lot 9 - - - \$2.50
 " 10 - - - 2.50
 " 11 - - - 2.50
 " 12 - - - 2.50
 " 13 - - - 2.50
 " 14 - - - 2.50
 " 15 - - - 2.50
 " 16 - - - 2.50

Block 17

N₂¹ - - - - \$20.00

S₂¹ - - - - \$20.00

Block 18

All - - - - \$20.00

Block 19

All - - - - \$41.00

Block 21

Lot 1 - - - \$2.50
 " 2 - - - 2.50

Block 21

Lot 3 - - - \$2.50
 " 4 - - - 2.50
 " 5 - - - 2.50
 " 6 - - - 2.50
 " 7 - - - 2.50
 " 8 - - - 2.50
 " 9 - - - 2.50
 " 10 - - - 2.50
 " 11 - - - 2.50

Lot 12 - - - \$2.50
 " 13 - - - 2.50
 " 14 - - - 2.50
 " 15 - - - 2.50
 " 16 - - - 2.50

Block 22

Lot 1 - - - \$2.50
 " 2 - - - 2.50
 " 3 - - - 2.50
 " 4 - - - 2.50
 " 5 - - - 2.50
 " 6 - - - 2.50
 " 7 - - - 2.50
 " 8 - - - 2.50

Lot 9 - - - \$2.50
 " 10 - - - 2.50
 " 11 - - - 2.50
 " 12 - - - 2.50
 " 13 - - - 2.50
 " 14 - - - 2.50
 " 15 - - - 2.50
 " 16 - - - 2.50

Block 23

Lot 1 - - - \$5.00
 " 2 - - - 2.50
 " 3 - - - 3.50

Lot 4 - - - \$2.50
 " 5 - - - 2.50

Block 4

All - - - - \$5.00

Block 20

$N\frac{1}{2}$ - - - - \$21.00

$S\frac{1}{2}$ - - - - \$21.00

Block 14

All - - - \$3.00

Block 13

All - - - \$8.00

POMPEYS PILLARBlock 1

Lot 1 - - - \$25.00

Lot 5 - - - \$25.00

Block 2

Lot 1 - - - \$15.00

Lot 2 - - - \$15.00

Block 3

Lot 1 - - - \$40.00

" 4 - - - 15.00

" 5 - - - 15.00

Lot 2 - - - \$50.00

" 6 - - - 15.00

Block 4

Lot 4 - - - \$10.00

" 5 - - - 15.00

" 6 - - - 25.00

Block 5

Lot 1 - - - \$10.00

" 4 - - - 10.00

" 5 - - - 25.00

" 6 - - - 25.00

Block 6

Lot 1 - - - \$10.00

" 4 - - - 10.00

" 5 - - - 10.00

" 6 - - - 10.00

Block 7

Lot 1 - - - \$20.00

" 2 - - - 20.00

Block 9

Lot 3 - - - \$10.00

Block 11

Lot 1 - - - \$10.00
 " 2 - - - 10.00
 " 3 - - - 10.00
 " 10 - - - 15.00
 " 11 - - - 10.00

Lot 12 - - - \$10.00
 " 13 - - - 10.00
 " 14 - - - 10.00
 " 15 - - - 10.00
 " 16 - - - 10.00

Block 12

Lot 4 - - - \$50.00
 " 9 - - - 25.00
 " 10 - - - 25.00
 " 12 - - - 25.00
 " 13 - - - 25.00

Lot 14 - - - \$25.00
 " 15 - - - 25.00
 " 16 - - - 25.00

Block 13

Lot 1 - - - \$10.00
 " 2 - - - 10.00
 " 3 - - - 10.00
 " 5 - - - 20.00
 " 6 - - - 20.00
 " 7 - - - 20.00

Lot 8 - - - \$20.00
 " 9 - - - 20.00
 " 10 - - - 20.00
 " 11 - - - 20.00
 " 12 - - - 20.00
 " 13 - - - 20.00

Block 15

Lot 3 - - - \$15.00
 " 17 - - - 10.00

Lot 18 - - - \$10.00

Block 16

Lot 1 - - - \$5.00
 " 2 - - - 5.00

Lot 16 - - - \$5.00

Block 18

Lot 6 - - - \$20.00
 " 7 - - - 20.00

Lot 8 - - - \$20.00

Block 20

Lot 1 - - - \$10.00
 " 2 - - - 10.00
 " 3 - - - 10.00

Block 20

Lot 14 - - - \$10.00
 " 15 - - - 10.00

Lot 16 - - - \$10.00
 " 17 - - - 25.00

Block 21

Lot 13 - - - \$15.00
 " 14 - - - 10.00
 " 15 - - - 10.00

Lot 17 - - - \$10.00
 " 18 - - - 10.00

Block 22

Lot 2 - - - \$15.00
 " 3 - - - 15.00
 " 4 - - - 15.00
 " 5 - - - 15.00
 " 6 - - - 15.00
 " 7 - - - 15.00
 " 8 - - - 15.00
 " 9 - - - 15.00

Lot 10 - - - \$15.00
 " 11 - - - 15.00
 " 12 - - - 15.00
 " 13 - - - 15.00
 " 14 - - - 15.00
 " 15 - - - 15.00
 " 16 - - - 15.00

Block 23

Lot 1 - - - \$15.00
 " 2 - - - 15.00
 " 3 - - - 15.00
 " 4 - - - 15.00
 " 5 - - - 15.00

Lot 6 - - - \$15.00
 " 7 - - - 15.00
 " 8 - - - 15.00

Block 24

Lot 1 - - - \$15.00
 " 2 - - - 15.00
 " 3 - - - 15.00

Lot 4 - - - \$15.00
 " 5 - - - 15.00
 " 6 - - - 15.00

Circular No. 1170.

INSTRUCTIONS RELATIVE TO PUBLICATION OF PROOF NOTICES UNDER
ACT OF JUNE 11, 1906 (34 Stat. 233), IN HOMESTEAD ENTRY SURVEY CASES.

- - - 0 - - -

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT.
OCT 25 1928

October 12, 1928.

1316630 "C" NMB.

Registers,

United States Land Offices.

Sirs:

Your attention is called to paragraph 12, Circular No. 263 (42 L. D. 331), which is the circular of instructions governing entries under the act of June 11, 1906 (34 Stat. 233).

It is observed that in publishing the notice of intention to submit final proof on entries for lands covered by homestead entry surveys the survey number is given followed by the description by metes and bounds. This results in a lengthy description the cost of which often causes a real hardship to the entryman.

As a plat of the survey is posted on the land and in the respective United States district land office it is deemed sufficient in such publications to give the homestead entry number, list number, survey number, acreage and the approximate description by section, township, and range numbers.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 1176.

REGULATIONS UNDER THE ACT OF APRIL 21, 1928, PUBLIC NO. 290;
RELATIVE TO TAXATION OF ENTRIES WITHIN RECLAMATION PROJECTS,
BEFORE ISSUANCE OF FINAL CERTIFICATE.

--- 0 ---

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 General Land Office
 Washington

See Circ. 1257

"F" FRD 1300 248 A.R.

November 27, 1928.

Registers,

United States Land Offices.

Gentlemen:

An act approved April 21, 1928 (Public No. 290, 70th Congress--H. R. No. 475), reads as follows:

"That the lands of any homestead entryman under the act of June 17, 1902, known as the Reclamation Act, or any act amendatory thereof or supplementary thereto, may, after satisfactory proof of residence, improvements, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located, in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

"Sec. 2. That the lands of any desert-land entryman located within an irrigation project constructed under the Reclamation Act and obtaining a water supply from such project and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

"Sec. 3. That all such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership; Provided, That the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June 17, 1902, whether accrued or otherwise, but the holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee under the provisions of the act of June 23, 1910 (Thirty-sixth Statutes, page 592)."

The purpose of the law is to permit taxation by States, or political subdivisions thereof, prior to the issuance of final certificate, of lands embraced in reclamation homestead entries and in desert land entries within irrigation projects constructed under the reclamation act, and obtaining a water supply from a reclamation project.

Reclamation homestead entries are made subject to such taxation after the submission of satisfactory final proof under the ordinary provisions of the homestead law, and upon the acceptance thereof by the Commissioner of the General Land Office, and desert land entries located within irrigation projects, constructed under the Reclamation act, at any time after water from said project has been available for the irrigation of the lands in the entry for four years.

Taxes legally so assessed constitute a lien upon the land subject to the prior lien of the United States for all unpaid charges authorized by the Reclamation act, whether accrued or otherwise, and such lien may be enforced by the State or political subdivision thereof by the sale of the lands under proceedings had as in case of lands held in private ownership.

No tax assessed or levied prior to April 21, 1928, the date of the act, is validated thereby.

In case of the sale for taxes of lands included in a reclamation homestead entry, or a desert land entry within an irrigation project constructed under the Reclamation act and obtaining its water supply from a reclamation project, the holder of the tax deed or tax title resulting from such tax sale shall be entitled to all the rights and privileges of an assignee under the provisions of the act of June 23, 1910 (36 Stat. 592), as to reclamation homestead entries, and section 2 of the act of March 28, 1908 (35 Stat. 52), as to desert land entries, only when application for recognition as assignee has been filed in accordance with the governing regulations (see 47 L. D. 417 as to homestead entries and 50 L. D. 453 as to desert land entries) and also satisfactory proof of such tax title, and showing that the equity of redemption has expired. After acceptance by the Commissioner of the General Land Office of such evidence as satisfactory, the name of such assignee shall be endorsed upon the records of the General and local land offices as entitled to the rights of one holding a complete and valid assignment under said act of June 23, 1910, or the act of March 28, 1908, *supra*, and such person may at any time thereafter receive patent upon submitting satisfactory final proof, and the proof of reclamation required by the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof, and in case of desert land entries, the act of March 3, 1877 (10 Stat. 377), as amended by the act of March 3, 1891 (26 Stat. 1095), making the payments required by said acts. In all such cases the purchaser at tax sale must file in the local land office either the original or a duly certified copy of the tax deed, which evidence must be transmitted to this office for consideration the same as in ordinary assignment cases, before the record may be placed in the name of the purchaser as assignee.

In cases of application for exchange of reclamation homestead entries in whole or in part (of lands not sold at tax sale), where the proof as to residence, improvements, and cultivation in support of the base land has been accepted as satisfactory (see section 44 of the act of May 25, 1926, 44 Stat. 636, and the regulations thereunder in 51 L. D. 525); in cases where application is made to

enter lands formerly included in a reclamation homestead entry which was canceled after acceptance of proof of residence, improvements, and cultivation; in cases where application is made to enter lands formerly embraced in a desert land entry, which obtained its water from a Federal reclamation project, and was canceled after four years from the date of availability of water or where final proof is submitted on a pending desert land entry after four years from the date water was available therefor; there must be furnished in addition to the usual evidence, a certificate by the proper tax officer showing that there are no unpaid taxes or tax sales charged against the land or tax deeds outstanding and that the accrued taxes for the current year have been provided for.

When relinquishments of entries or parts of entries involving taxable lands are filed with the register of a local land office, he will transmit the same to the General Land Office without noting the same on his records, unless there is furnished, as set forth in the preceding paragraph satisfactory evidence that there are no unpaid taxes charged against, or unredeemed sales of, the lands relinquished, in which case the relinquishment may be accepted or noted as in ordinary cases.

In case of exchange or the cancellation of entries involving lands which have been taxed or are subject to taxation, the register of the local land office will at once, upon the consummation of the exchange or the notation of the cancellation, notify the proper taxing authorities thereof, to the end that such lands may be relieved from future taxation.

The register of the local land office will, upon application therefor, furnish the proper taxing authorities lists of reclamation homestead entries upon which final proof has been submitted and accepted under the ordinary provisions of the homestead law, and of desert land entries where water from a Federal irrigation project has been available for four years, as provided in instructions of October 8, 1907 (36 L. D. 194), and of April 16, 1910 (38 L. D. 575). Circular of July 8, 1922 (49 L. D. 168) is hereby revoked.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: November 27, 1928.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 1177.
ABBREVIATIONS OF DESCRIPTIONS REQUIRED IN
PUBLICATION OF FINAL PROOF NOTICES.

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"C" NMB 1321630.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 4, 1928.

Registers,

United States Land Offices.

Gentlemen:

In examining newspaper clippings attached to publishers' affidavits in connection with public land cases it is found that often-times the descriptions of legal subdivisions are written out in full instead of being abbreviated, thereby increasing the space occupied and also the cost for the publication.

Hereafter in your notice for publication you will use the abbreviations for the descriptions of legal subdivisions such as NE $\frac{1}{4}$ instead of northeast quarter, etc., and instruct all the publishers within your jurisdiction to closely follow the copy.

Very respectfully,

WILLIAM SPRY,

Commissioner.

STANDARD NO. 117
STANDARD NO. 117
STANDARD NO. 117

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In standard no. 117, the standard is defined as follows: It is a standard which is used to determine the amount of material which is required to produce a given quantity of material. The standard is defined as follows: It is a standard which is used to determine the amount of material which is required to produce a given quantity of material.

STANDARD NO. 117

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STANDARD NO. 117

STANDARD NO. 117

CIRCULAR No. 1180

REGULATIONS FOR THE SALE OF LOTS IN THE SECOND ADDITION
TO WOLF POINT, MONT.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, December 27, 1928.

REGISTER, Great Falls, Mont.

SIR: The plat of survey of the second addition to Wolf Point
townsite, Mont., was accepted February 11, 1922.

A photolithographic copy of this plat is inclosed, which you
officially file in your office.

The lots within said addition to the townsite were appraised Oc-
tober 24, 1928, and the appraisal approved December 6, 1928. A de-
licate copy of the appraisal list is also inclosed.

Block 64 of said townsite was set aside and reserved for the Re-
creation Service by departmental order of May 1, 1922. Block 64
designated on the plat as a "public reserve."

The remaining lots and blocks within said townsite, as shown on
said plat of survey and on the attached list, will be offered for sale
at public auction June 1, 1929, under the terms and conditions of the
act of May 30, 1908 (35 Stat. 558, 563), and section 2381, Revised
Statutes, in your office and under your supervision at not less than
the appraised value thereof, in the manner and under the terms
hereinafter prescribed.

After all unreserved and undisposed of lots have been offered, you
will close the sale and report to this office the result of same.

Thereafter the unsold and unreserved lots will be subject to pri-
vate sale for cash at their appraised prices.

The lots in block 8 and block 67, on which a public highway was
laid out under authority of the act of March 4, 1915 (38 Stat. 1168),
which highway is not shown on said plat of survey, will be sold
subject to such right of way.

Preemption proof.—Prior to the date of public sale, and on the
day these lands become subject to disposal after the filing of the plat,
a preemption right of purchase at the appraised price of not exceed-
ing five lots, of which the purchaser may be in possession and on
which he or she has substantial improvements, is accorded to any
person who at the date the appraisers commenced their work upon
the land was an actual resident upon any one lot, to secure which he
must file in your office his application therefor and therein state the
date of settlement and the value and character of his improvements,
and that such residence and improvement has been maintained to
the lot to the date of his application to enter.

The notice of intention to make proof must be published twice
consecutively in a weekly newspaper (or fourteen times if in a daily
newspaper), of general circulation in the townsite prior to the date
set for proof, at the applicant's expense.

In order that all bona fide preemption rights may be determined
prior to the date of public sale, claimants will give notice in time to
submit proof in advance of the public sale.

Proof may be made before you or before any officer duly authorized
by law, and must show by record or documentary evidence, where
such evidence is usually required, and where not so required by the
testimony of witnesses: (1) Due publication of the register's notice;
(2) claimant's age; (3) his citizenship; (4) his actual residence upon
one lot and substantial improvements on the other lot or lots included
in the application. The proof must embrace the testimony of the
applicant and of at least two of his advertised witnesses. The purchase
price of the lot or lots must be paid when proof is made.

Qualifications.—To qualify as a preemption claimant for lots
the appraised price settlement must be shown at the time of the
commencement of the appraisal and maintained to date of proof.

Illinois not necessarily forfeited by the settler transferring his interest to another, subsequently to the approval of the right, but patent, if issued, will be in the name of the settler and not of the transferee. Bids may be made either in person or by agent, but not by mail, nor at any time or place other than the time and place when the lots are offered hereunder, and any person may purchase any number of lots for which he is the highest bidder. Bidders will not be required to show any qualification as to age, citizenship, or otherwise.

If any successful bidder fails to make the payment required on the date of the sale, the lot awarded to him shall be reoffered for sale on the following day, or if the sale has been closed, then such lot will be considered as offered and unsold.

Terms.—Payments will be required as follows: No lot will be disposed of for less than \$10, and any lot sold for \$10 must be paid for on the day it is sold. The minimum of \$10 and at least 25 per cent of the bid price of each lot sold for more than \$10 must be paid on the date of the sale, and the remainder, if the price bid is \$50 or less, within one year from the date of the sale, and if the price bid be over \$50 and less than \$100, 75 per cent of the cost may be divided into two equal payments, due, respectively, one and two years from the date of the sale. If the price bid be \$100 or more, the 75 per cent remaining unpaid may be divided into three equal payments, due, respectively, one, two, and three years from the date of sale.

No entry will be allowed until payment has been made in full for the lot, but in case of partial payment you will issue a nontransferable memorandum certificate in duplicate showing the amount of the bid and the terms of the sale, and reciting the right of the purchaser to make entry upon completing the payments; in such case you will issue a receipt for the money paid, and assign a current serial number thereto. Nothing herein will prevent the transfer of the interests secured by the purchase and the partial payment of the lot, by deed, but the assignee will acquire no greater right than that of the original purchaser and the final entry and patent will issue to the original purchaser when all payments are made.

Forfeiture.—If any person who has made partial payment on the lot purchased by him fails to make any succeeding payment required under these regulations at the date such payment becomes due, the money deposited by such person for such lot will be forfeited and the lot, after forfeiture is declared, will be subject to disposition.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States.

On the filing of the plat of survey and on receipt of these regulations you will forward a copy hereof to the postmaster at Wolf Point and conspicuously post a copy hereof in your office and a notice to the effect that the official plat of such town site has been filed in your office and that you are ready to receive applications by the occupants of lots to make proof for and purchase the lots occupied by them.

You will also forward such notice to the persons shown on the appraisement schedule attached to be occupying or claiming lots in the town site.

The newspapers in the vicinity should be given notice of this sale as an item of news and such other publicity should be given it as can be done without expense to the Government.

All lots purchased at the same time by the same person for cash should be included in one certificate with one serial number in order to prevent unnecessary multiplicity of patents.

Lots sold at private sale after this sale is closed should be accompanied by an application therefor. Certificate should issue upon payment of the purchase price.

Mimeographed copies hereof will be forwarded you for distribution when available.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved December 27, 1928.

E. C. FINNEY,
First Assistant Secretary.

Circular No. 1182.

REGULATIONS COVERING THE SALE OF LOTS IN WEST YELLOWSTONE, MONTANA.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

1278334 "K" MKH.

Washington

February 21, 1929.

Register,

Billings, Montana.

Sir:

Under authority of sections 2382 to 2386, inclusive, of the Revised Statutes of the United States, the lots within West Yellowstone townsite, Montana, were offered for sale on August 25, 1924, pursuant to regulations approved June 25, 1924, Circular No. 945, which sale was not closed. At this time a preference right of purchase not to exceed two lots was accorded actual residents.

The lots undisposed of at such sale have been reappraised and reappraisal thereof approved November 14, 1928.

There appearing to be a demand for the remaining lots you are hereby authorized to cause the unreserved and undisposed of lots in said townsite, shown on the accompanying list, to be offered for sale at public auction for cash at not less than the appraised value thereof in your office and under your supervision on Thursday, August 1, 1929.

Bids may be made in person or by agent but will not be received through the mail.

The purchasers will not be required to show qualifications as to age or citizenship, or to make any showing as to the amount or character of public lands theretofore acquired under any law.

The sale will be conducted from day to day until all lots shall be offered. At the conclusion of the offering you will adjourn the sale pending further instructions from this office.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any manner hinder or embarrass the sale and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States.

The newspapers in the vicinity should be given copies of the notice of this sale as an item of news and such other publicity should be given thereto as can be done without expense to the Government.

All lots purchased at the same time by the same individual should be included in one final certificate, with one serial number, in order to prevent unnecessary multiplicity of patents.

(over)

Mimeograph copies hereof will be furnished you for distribution when available.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: February 21, 1929.

E. C. FINNEY,

First Assistant Secretary.

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APPRAISAL OF LOTS IN WEST YELLOWSTONE TOWNSITE, MONTANA.

Lot Nos.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Block 3		75	60	75	75	75										
" 4	75	75	80	75	75	75	80									
" 5	20	75	75	80	75	75	75	80								
" 6	20	30	75	75	80	75	75	75	80							
" 7	40	50	75	75	80	75	75	75	75							
" 8		75	75	75	75		100	75	75			75	75	75	75	80
" 9		75					75	75	75	80	75	75	75	80		
" 10			75	75		75		75	75	80	75	75	75	80		
" 11			75	75	80	75		75	75	80	75	75	75			
" 12		75	75	75	80	75	75	75	75							
" 18									75		75	75				
" 19		75	75	75		75	75	75	75	80	75	75	75			
" 20		75	75	75		75	75	75	75	80	75	75	75			
" 21		75	75	75	75		100	75	75			75	75	75	75	80
" 22	80	75	75	75	75		125	75	75			140	140		140	150
" 23	80	75	75	75	80	75	75	75	75							
" 24	80	75	75	75	80	75	75		75							
" 29	25															
" 30	25	20	24	25	30											
" 31	30	24	25	26	28	35										

Circular No. 1185.

PROTECTION AGAINST CONTEST WHILE ABSENT FROM HOMESTEAD ENTRY BECAUSE OF
GRASSHOPPER OR CRICKET INVASION. ACT OF FEBRUARY 9, 1929 (PUB. NO. 712).

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1332024 "C" AJM

March 22, 1929.

Register,

Denver, Colorado.

Sir:

Section 7 of the act of February 9, 1929 (Public No. 712), provides as follows:

"That no qualified homestead entryman who, prior to November 1, 1928, made bona fide entry upon lands of the United States in Moffat, Rio Blanco, and Routt Counties, Colorado, under the provisions of the homestead laws of the United States, and who established residence in good faith upon the lands entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land subsequent to the incursion of swarms of crickets or grasshoppers upon said land, or in the vicinity; but such entryman shall, within ninety days after issuance of notice by the Secretary of the Interior that the emergency occasioned by such insect invasion has terminated, file in the office of the register of the local land office an affidavit that he has reestablished his residence on the land, with the intention of maintaining the same for a period sufficient to enable him to make final proof: Provided, That any entry heretofore canceled within said counties may, subject to intervening adverse rights, be reinstated on a proper showing by the entryman that a leave of absence under this act would have been warranted: Provided further, That no such entryman shall be entitled to have counted as a part of the required period of residence any period of time during which he was not actually upon said land prior to the date of the notice aforesaid".

The time that the homesteader is absent under the provisions of this act does not count as constructive residence upon the lands in his entry. In due course the date of termination of the emergency will be fixed and given due publicity at which time each entryman affected should notify the district office of his return to the land in his entry as provided by the act.

(over)

All homesteaders absent under the conditions mentioned in the act should keep the district land office advised as to their present address.

You will give all possible publicity to this act without expense to the Government.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: March 22, 1929.

JOHN H. EDWARDS,

Assistant Secretary.

Circular No. 1186. *See 1186 amended*LAND HELD UNDER COLOR OF TITLE FOR MORE THAN 20 YEARS--ADVERSE POSSESSION.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 15, 1929.

1323124 "K" JAR

Registers,

U, S. Land Offices.

Sirs:

Attention is called to the act of December 22, 1928, Public No. 645, 70th Congress, entitled "An act to authorize the Secretary of the Interior to issue patents for lands held under color of title," which provides:

"That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, not exceeding one hundred and sixty acres, has been held in good faith and in peaceful, adverse, possession by a citizen of the United States, his ancestors or grantors, for more than twenty years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of not less than \$1.25 per acre, cause a patent to issue for such land to any such citizen: Provided, That where the area so held is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres, may be patented hereunder: Provided further, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits; And provided further, That no patent shall issue under the provisions of this act for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

Circ. 1186

Sec. 2. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant."

1. This act authorizes the Secretary, in his discretion to issue patents for not more than 160 acres of public land, to citizens of the United States, who have, or whose ancestors or grantors have held the land in peaceable adverse possession for more than 20 years under claim or color of title, upon payment for the land at not less than \$1.25 per acre.

2. Only claims for surveyed lands will be recognized under this act. If unsurveyed land is claimed, the filing of such claim should be deferred until the land has been surveyed and the plat of survey thereof has been officially filed.

3. Applications under this act must be filed with the register of the district land office for the district in which the land thus applied for is situated; or if there is no district land office in the State where the land is situated, then the application must be filed with the Commissioner of the General Land Office, Washington, D. C.

4. No special forms of application are provided. The application must be under oath and in typewritten form, or in legible manuscript.

5. Persons applying for patent under the provisions of this act must show by affidavit that their possession, or the possession of their ancestors or grantors for the 20 years next preceding the filing of the claim has been peaceable and adverse, by setting forth the facts of the possession and not merely the conclusions, and that such application is made in good faith for their own benefit and not for the benefit of any other person.

6. If improvements have been placed upon the land applied for, the nature and value thereof should be set forth, together with the time of their construction, and cost, and by whom constructed.

7. If any of the land has been reduced to cultivation, the amount of land claimed to have been so reduced, when it was so reduced, and the nature of the cultivation should be set forth.

8. If the claimant is claiming as a record owner or under color of title he will be required to file an abstract of title certified to by a competent abstractor showing the record of all conveyances of the land up to the date of the filing of the application. If he is not a record owner and no abstract of title can be furnished he will be required to file affidavits setting forth the names of all the mesne possessors of the land, periods held by each, giving the dates

and how each possessor acquired possession of the land; the date the claimant took possession of the land, how he acquired possession thereof and the manner in which each of the possessors has maintained possession of the land.

9. If the claimant is a natural person, the affidavit should set forth whether the claimant is a male or a female and whether the claimant is a native born or a naturalized citizen of the United States. If claimant is a female, the affidavit should set forth whether she is married or single and if married the date of her marriage and the facts concerning her husband's citizenship. If the claimant is a naturalized citizen of the United States a certified copy of the certificate of naturalization should be filed. In case the land is claimed by a corporation, a certified copy of the articles of incorporation should be filed.

10. The said act does not contemplate the recognition of any claim for more than 160 acres (or approximately that area, under the rule of approximation), and no person claiming more than approximately 160 acres will be permitted by transfer of portions of the land claimed to secure recognition of his claim, through himself and his grantees, for more land in the aggregate than he could purchase in his own name. It must be shown in each case that the land claimed is not part of a claim which embraced more than approximately 160 acres on December 22, 1928, or if the land claimed is part of such a larger claim the full facts relative thereto must be shown.

11. The claimant must in each case show whether or not he has filed any other claim under the said act, and if he has filed another claim he must identify it.

12. Every material fact stated in the claimant's affidavit or proof or necessary to the validity of his claim not established by competent documentary evidence must be substantiated by the affidavits of not less than two disinterested persons having knowledge of the facts.

13. If the land applied for has been surveyed, and is subject to purchase under this act, the register when the application is filed in a district land office, after the assignment of a serial number thereto, will note the application on his records and will promptly forward same to the Commissioner of the General Land Office. Where there is no district land office, and the application is filed directly in the General Land Office, the proper notations will be made on the records of the General Land Office. When such application has been received in the General Land Office, it will be promptly forwarded to the proper Field Division for appraisalment in accordance with the terms of the act.

14. The appraisalment shall be made on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessor in interest.

15. If, upon consideration of the application in the General Land Office with report and appraisalment it shall be determined that the applicant is entitled to purchase the lands applied for, the applicant will be notified at once, by registered mail, that he must within 30 days from service of notice deposit with

the register of the district land office, where there is a district land office in the State where the land is situated, or with the receiving clerk of the General Land Office, where there is no district land office, the appraised price or thereafter and without further notice, forfeit all rights under his application, whereupon the land will be subject to disposal under applicable laws.

16. Upon the payment of the appraised price of the land, in the district land office, when there is one in the State, or in the General Land Office, notice for publication will be issued in the following form:

NOTICE is hereby given that _____ of _____
 (Name of applicant) (P. O. address)
 has applied under the act of Congress approved December 22, 1928, Public No. 645, to purchase _____
 Section _____ Township _____ Range _____ Meridian _____ State _____,
 claiming under _____
 (Grounds of claim)

All persons claiming the lands adversely will be allowed until _____
 _____ to file in this office, their objections to the issuance of patent under the aforesaid application, copy of objection to be served on the applicant. The appraised price of the land is _____.

Such notice shall be published at the expense of the applicant in a newspaper of general circulation, designated by the register or the Commissioner, as the case may be, in the vicinity of the land applied for. If it be a daily paper, the publication must be inserted in 30 consecutive issues; if daily except Sunday, in 26; if weekly, in 5; and if semiweekly, in 9 consecutive issues.

The first day of publication must be at least 30 days before the date set in the notice before which protests shall be filed. A copy of the notice will be posted in the district land office, or in the General Land Office, as the case may be, during the entire period of publication. The applicant must file evidence showing that publication has been had for the required time, which evidence must consist of the affidavit of the publisher, accompanied by a copy of the notice published.

17. Upon submission of satisfactory proof of publication and posting as provided in the foregoing rule, if no protest or contest is pending, or no other objection appears, final certificate will be issued. Such certificate shall bear upon its face the following: Patent to contain reservation of coal and all other minerals, and conditions and limitations provided by the act of December 22, 1928. There will be incorporated in patents issued on such entries the following: Excepting and reserving, however, to the United States all coal and other minerals in the lands so entered and patented, together with the right of the United States or its permittees, lessees, or grantees, to enter upon said lands for the purpose of prospecting for and mining such deposits as provided by the act of December 22, 1928.

18. The said act of December 22, 1928, impliedly repeals and supersedes the local act of June 8, 1926 (44 Stat. 709), relating only to New Mexico.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: April 15, 1929.

JOS. M. DIXON,

First Assistant Secretary.

Mr. The Hon. Sec. of the Interior, Washington, D.C.
Dear Sir: I have the honor to acknowledge the receipt of your letter of the 10th inst.

Very respectfully,

Wm. C. Foster,

Indian Commissioner.

Approved: April 12, 1905.

John F. Smith,

Chief Assistant Secretary.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

*Superseded -
See Cir. 1872*

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 140--GENERAL REGULATIONS GOVERNING COLOR OF
TITLE CLAIMS

Sec.		Sec.	
	Lands held under claim or color of title for more than 20 years	140.10	Evidence required of acreage claimed on December 22, 1928.
140.1	Statutory authority.	140.11	Other claims under act of December 22, 1928.
140.2	Only claims for surveyed land recognized.	140.12	Evidence to be substantiated by two disinterested persons.
140.3	Filing of application.	140.13	Action on application; appraisal by Regional Administrator
140.4	Form of application.	140.14	Basis for appraisal.
140.5	Evidence of possession required.	140.15	Appraised price of land to be paid by applicant
140.6	Evidence of improvements required.	140.16	Publication and posting required.
140.7	Evidence of cultivation required	140.17	Issuance of final certificate; reservation of minerals.
140.8	Evidence of ownership required.		
140.9	Evidence of citizenship required.		

AUTHORITY: Sections 140.1 to 140.17 issued under R. S. 453, 2478; 43 U.S.C. 2, 1201

Lands Held Under Claim or Color of Title for More Than 20 Years

Section 140.1 Statutory authority. The Act of December 22, 1928 (45 Stat. 1069; 43 U.S.C. 1068, 1068a) authorizes the Secretary of the Interior in his discretion, to patent a tract of public land not exceeding 160 acres upon payment of the appraised value of not less than \$1.25 acre to any citizen who, by himself or through his ancestors or granters, has held such land in good faith and in peaceful adverse possession for more than 20 years under claim or color of title, and where valuable improvements have been placed on such land or some part thereof has been reduced to cultivation. The coal and all other minerals in such land are reserved to the United States. Circ. 1186, Apr. 15, 1929, 52 L.D. 612

^{1/} Reprint of Circular No. 1186, April 15, 1929, as amended by Circular No. 1526, April 6, 1943.

140.2 Only claims for surveyed land recognized. Only claims for surveyed lands will be recognized under the Act of December 22, 1928. If unsurveyed land is claimed, the filing of such claim should be deferred until the land has been surveyed and the plat of survey thereof has been officially filed. (Par. 2, Circ. 1186, Apr. 15, 1929, 52 L.D. 612)

140.3 Filing of application. Applications under the Act of December 22, 1928 must be filed in duplicate with the Manager of the district land office for the district in which the land thus applied for is situated; or, if there is no district land office in the State where the land is situated, with the Director, Bureau of Land Management, Washington, D. C. (Par. 3, Circ. 1186, Apr. 15, 1929, 52 L.D. 612; Circ. 1526, Apr. 6, 1943)

140.4 Form of application. 2/ No special forms of application are provided. The application need not be under oath but it must be signed by the applicant and it must be in typewritten form, or in legible handwriting. (Par. 4, Circ. 1186, Apr. 15, 1929, 52 L.D. 612; Circ. 1689, July 28, 1948, 13 F.R. 4637)

140.5 Evidence of possession required. Persons applying for patent under the provisions of the Act of December 22, 1928 must show in their application that their possession, or the possession of their ancestors or grantors for the 20 years next preceding the filing of the claim has been peaceable and adverse, by setting forth the facts of the possession and not merely the conclusions, and that such application is made in good faith for their own benefit and not for the benefit of any other person. (Par. 5, Circ. 1186, Apr. 15, 1929, 52 L.D. 612; Circ. 1689, July 28, 1948, 13 F.R. 4637)

140.6 Evidence of improvements required. If improvements have been placed upon the land applied for, the nature and value thereof should be set forth, together with the time of their construction, and cost, and by whom constructed. (Par. 6, Circ. 1186, Apr. 15, 1929, 52 L.D. 612)

140.7 Evidence of cultivation required. If any of the land has been reduced to cultivation, the amount of land claimed to have been so reduced, when it was so reduced, and the nature of the cultivation should be set forth. (Par. 7, Circ. 1186, Apr. 15, 1929, 52 L.D. 612)

140.8 Evidence of ownership required. If the claimant is claiming as a record owner or under color of title he will be required to file an abstract of title certified to by a competent abstractor showing the record of all conveyances of the land up to the date of the filing of the application. If he is not a record owner and no abstract of title can be furnished he will be required to file statements setting forth the names of all the mesne possessors of the land, periods held by each, giving the dates and how each possessor acquired possession of the land, the date the claimant took possession of the land, how he acquired possession thereof and the manner in which each of the possessors has maintained possession of the land. (Par. 8, Circ. 1186, Apr. 15, 1929, 52 L.D. 612)

2/Title 18, U.S.C., sec. 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

140.9 Evidence of citizenship required. If the claimant is a natural person, the application should set forth whether the claimant is a male or a female and whether the claimant is a native born or a naturalized citizen of the United States. If claimant is a female, the application should set forth whether she is married or single, and if married the date of her marriage and the facts concerning her husband's citizenship. If the claimant is a naturalized citizen of the United States evidence of naturalization must be furnished in the manner provided by sec. 137.1, 137.2. In case the land is claimed by a corporation, a certified copy of the articles of incorporation should be filed. (Par. 9, Circ. 1186, Apr. 15, 1929, 52 L.D. 613; Circ. 1689, July 28, 1948, 13 F.R. 4637)

140.10 Evidence required of acreage claimed on December 22, 1928. The Act of December 22, 1928 does not contemplate the recognition of any claim for more than 160 acres (or approximately that area, under the rule of approximation), and no person claiming more than approximately 160 acres will be permitted by transfer of portions of the land claimed to secure recognition of his claim, through himself and his grantees, for more land in the aggregate than he could purchase in his own name. It must be shown in each case that the land claimed is not part of a claim which embraced more than approximately 160 acres on December 22, 1928, or if the land claimed is part of such a larger claim the full facts relative thereto must be shown. (Par. 10, Circ. 1186, Apr. 15, 1929, 52 L.D. 613)

140.11 Other claims under Act of December 22, 1928. The claimant must in each case show whether or not he has filed any other claim under the Act of December 22, 1928 and if he has filed another claim he must identify it. (Par. 11, Circ. 1186, Apr. 15, 1929, 52 L.D. 613)

140.12 Evidence to be substantiated by two disinterested persons. Every material fact stated in the claimant's application or necessary to the validity of his claim not established by competent documentary evidence must be substantiated by the statements of not less than two disinterested persons having knowledge of the facts. (Par. 12, Circ. 1186, Apr. 15, 1929, 52 L.D. 613; Circ. 1689, July 28, 1948, 13 F.R. 4637)

140.13 Action on application; appraisal by Regional Administrator. If the land applied for has been surveyed, and is subject to purchase under the Act of December 22, 1928 the manager when the application is filed in a district land office, after the assignment of a serial number thereto, will note the application on his records and will promptly forward same to the Director, Bureau of Land Management, where there is no district land office, and the application is filed directly in the Bureau of Land Management, the proper notations will be made on the records of that Bureau. When such application has been received in the Bureau of Land Management, it will be promptly forwarded to the Regional Administrator for appraisal in accordance with the terms of the Act. (Par. 13, Circ. 1186, Apr. 15, 1929, 52 L.D. 613)

140.14 Basis for appraisal. The appraisal shall be made on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessor in interest. (Par. 14, Circ. 1186 Apr. 15, 1929, 52 L.D. 614)

140.15 Appraised price of land to be paid by applicant. If, upon consideration of the application in the Bureau of Land Management with report and appraisal it shall be determined that the applicant is entitled to purchase the lands applied for, the applicant will be notified at once, by registered mail, that he must within 30 days from service of notice, deposit with the manager of the district land office, where there is a district land office in the State where the land is situated, or with the Bureau of Land Management, where there is no district land office, the appraised price or thereafter and without further notice, forfeit all rights under his application, whereupon the land will be subject to disposal under applicable laws. (Par. 15, Circ. 1186, Apr. 15, 1929, 52 L.D. 614)

140.16 Publication and posting required. Upon the payment of the appraised price of the land, in the district land office, when there is one in the State, or in the Bureau of Land Management, notice for publication will be issued in the following form:

Notice is hereby given that _____ (name of applicant), of _____ (post-office address), has applied under the Act of Congress approved December 22, 1928, 45 Stat. 1069, to purchase _____, section _____, township _____, range _____, meridian _____, State of _____, claiming under _____ (grounds of claim).

All persons claiming the lands adversely will be allowed until _____ to file in this office their objections to the issuance of patent under the aforesaid application, copy of objection to be served on the applicant. The appraised price of the land is _____.

Such notice shall be published at the expense of the applicant in a newspaper of general circulation, designated by the manager or the Director, as the case may be, in the vicinity of the land applied for. The notice must be published once a week for 5 consecutive weeks, in accordance with s 106.10.

The first day of publication must be at least 30 days before the date set in the notice before which protests shall be filed. A copy of the notice will be posted in the district land office, or in the Bureau of Land Management, as the case may be, during the entire period of publication. The applicant must file evidence showing that publication has been had for the required time, which evidence must consist of the statement of the publisher, accompanied by a copy of the notice published. (Par. 16, Circ. 1186, Apr. 15, 1929, 52 L.D. 614)

140.17 Issuance of final certificate; reservation of minerals. Upon submission of satisfactory proof of publication and posting as required in s 140.16, if no protest or contest is pending or no other objection appears, final certificate will be issued. Such certificate shall bear upon its face the following: Patent to contain reservation of coal and all other minerals, and conditions and limitations provided by the Act of December 22, 1928. There will be incorporated in patents issued on such entries the following: Excepting and reserving, however, to the United States all coal and other minerals in the lands so entered and patented, together with the

right of the United States or its permittees, lessees, or grantees, to enter upon siad lands for the purpose of prospecting for and mining such deposits as provided by the Act of December 22, 1928. (Par. 17, Circ. 1186, Apr. 15, 1929, 52 L.D. 614)

(The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

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Circular No. 1188.

RELIEF OF DESERT-LAND ENTRIES. ACT OF MARCH 4, 1929.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

*Obsolete - see
Circ. 1843*

April 19, 1929.

Registers,

United States Land Offices.

Gentlemen:

Your attention is directed to the act of March 4, 1929 (Public No. 1015 - 70th Congress), entitled "An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (Thirty-eighth Statutes, page 1161), as amended by the act of March 21, 1918 (Fortieth Statutes, page 458)," which provides:

"That where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1922, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has in good faith expended the sum of \$3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee ninety days from notice within which to pay to the register of the United States Land Office 50 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this act, and thereafter within one year from the date of the filing of such election to pay to the register the additional amount of \$1.50 an acre, which shall entitle him to a patent for the land: Provided, That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited."

This act applies to all pending desert-land entries made prior to July 1, 1922, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has in good faith expended the sum of \$3 per acre in the attempt to effect reclamation of the land and where there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land or any legal subdivision thereof.

Desert-land entries made prior to March 4, 1915, and pending March 4, 1929, are entitled to the relief granted by the act of March 4, 1915, as amended, or by the provisions of this act. Desert-land entries made since March 4, 1915, and prior to July 1, 1922, and pending March 4, 1929, are entitled only to the relief provided for in this act.

In all applications for relief of desert-land entries made prior to March 4, 1915, it should be specifically stated whether the relief is sought under the provisions of the act of March 4, 1915, or under the provisions of said act of March 4, 1929.

In the case of desert-land entries made since March 4, 1915, and prior to July 1, 1922, and pending March 4, 1929, the showing as to the right to such relief must be the same as that required by paragraph 35 of the regulations of May 20, 1924, Circular No. 474 (50 L. D. 443, 466).

Applications for relief hereunder must be filed in the local land office for the district in which the land embraced in the particular entry is situated, and, after examination by the register as to statement of facts required by paragraph 35 of Circular No. 474, supra, and, where necessary, opportunity given applicants to supply data to cure defects, referred to the Chief of Field Division for investigation and report. All reports by the Chief of Field Division upon applications for relief under the provisions of this act should be made directly to the Commissioner of the General Land Office.

When any application for relief under the provisions of this act shall have been approved by the Commissioner, notice, by registered mail, will be served through the proper local land office upon the claimant, of such approval; that he will be allowed 90 days from date of receipt of such notice within which to pay to the register 50 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this act; that he will be allowed one year from the date of the filing of such election to pay to the register the additional amount of \$1.50 an acre; and that, in case the final payment be not made within the time prescribed, the entry will be canceled and all money theretofore paid will be forfeited.

Should any claimant fail to pay said 50 cents per acre and file said election within the 90-day period, the register will report such facts to the Commissioner, whereupon the approved application for relief will be canceled and the case closed without further notice.

To perfect title to the entry, the claimant shall file with the register a notice of intention to do so, and the register will order the publication thereof in the same manner as in other desert-land cases and in substantially the following form:

Department of the Interior,
U. S. Land Office at
..... 19

Notice is hereby given that
of who, on 19
made desert-land entry, No. for
Section Township Range
Meridian, has filed notice of his intention to complete the purchase of said land under the provisions of the act of March 4, 1929.

Any and all persons claiming adversely the above-described land or desiring for any reason to object to the completion of the purchase and final entry thereof by the applicant, should file their affidavits of protest in duplicate in this office during the 30-day period of publication immediately following the first printed issue of this notice, otherwise the application may be allowed.

..... Register.

Publication, proof thereof and the required additional payment of \$1.50 per acre should be made within one year from the date of the filing of the above-mentioned election, it being expressly stated in said act of March 4, 1929, that said additional payment of \$1.50 per acre should be paid within one year from the date of the filing of the election to perfect title to the entry under said act, with the proviso "That in case the final payment be not made within the time prescribed, the entry shall be canceled and all money theretofore paid shall be forfeited." There is no provision of law whereby extension of time to make this payment may be granted.

These acts having been performed, and there being no protest, contest, or other objection, the register will issue the final certificate and transmit it to the General Land Office with the regular returns.

Where relief has heretofore been granted in desert-land entries made prior to March 4, 1915, and such entries are intact upon the records claimants may, if they so desire, take advantage of the provisions of this act.

Except as herein set forth, all legislation relating to the relief of desert-land entries and the regulations issued thereunder are in full force and effect.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: April 19, 1929.

JOS. M. DIXON,

First Assistant Secretary.

Circular No. 1189.

INSTRUCTIONS UNDER THE ACT OF JANUARY 29, 1929, PUBLIC NO. 693.1297714 "A" FSH
"N" UEGUNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 4, 1929.

Registers,

United States Land Offices.

Gentlemen:

The act of January 29, 1929, Public No. 693, S. 3949, entitled "An Act To amend section 10 of an Act entitled 'An Act to provide for stock-raising homesteads, and for other purposes,' approved December 29, 1916 (Public, Numbered 290, Sixty-fourth Congress)," reads as follows:

"That the following be added as an additional proviso to section 10 of an Act entitled 'An Act to provide for stock-raising homesteads, and for other purposes,' approved December 29, 1916 (Public, Numbered 290, Sixty-fourth Congress):

"Provided further, That the withdrawal from entry of lands necessary to insure access by the public to watering places reserved hereunder shall not apply to deposits of coal and other minerals in the lands so withdrawn, and that the provisions of section 9 of this Act are hereby made applicable to said deposits in lands embraced in such withdrawals heretofore or hereafter made, but any mineral location or entry made hereunder shall be in accordance with such rules, regulations, and restrictions as may be prescribed by the Secretary of the Interior."

Under authority of the provisions of the Act, the following rules, regulations, and restrictions are prescribed for prospecting for minerals of the kinds subject to the United States mining laws, and the locating of mining claims upon discovery of such minerals, in lands within stock driveway withdrawals heretofore or hereafter made.

All prospecting and mining operations shall be conducted in such manner as to cause no interference with the use of the surface of the land for stock driveway purposes, except such as may actually be necessary.

While a mining location will be made in accordance with the usual procedure for locating mining claims, and will describe a tract of land, having due regard to the limitations of area fixed by the mining laws, the locator will be limited under his location to the right to the minerals discovered in the land and to mine and remove the same, and to occupy so much of the surface of the claim as may be required for all purposes reasonable incident to the mining and removal of the minerals.

(over)

All excavations and other mining work and improvements made in prospecting and mining operations shall be fenced or otherwise protected to prevent the same from being a menace to stock on the land.

No watering places shall be inclosed, nor proper and lawful access of stock thereto prevented, nor the watering of stock thereat interfered with.

Prospecting for minerals and the location of mining claims on lands included in such withdrawals shall be subject to the provisions and conditions of the mining laws and the regulations thereunder (Circular No. 430) as modified by section 9 of the act of December 29, 1916 (39 Stat. 862).

Mining claims on lands within stock driveway withdrawals, located prior hereto and subsequent to the date of the withdrawal, may be held and perfected subject to the provisions and conditions of the act and these regulations.

Every application for patent for any minerals located subject to this act must bear on its face, before being executed by the applicant and presented for filing, the following notation:

Subject to the provisions of section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (Public No. 693--70th Congress).

Like notation will be made by the register on the final certificate issued on such a mineral application.

Patents issued on such applications will contain the added condition:

That this patent is issued subject to the provisions of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (____ Stat., ____), with reference to the disposition, occupancy and use of the land as permitted to an entryman under said act.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: May 4, 1929.

JOS. M. DIXON,

First Assistant Secretary.

Circular No. 1193.

COAL LAND REGULATIONS--PARAGRAPHS 8 AND 22 AMENDED

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 11, 1929.

Registers,

United States Land Offices.

Gentlemen:

Paragraph 8 of the regulations (Circular No. 679) of April 1, 1920 (47 L. D. 489), governing coal mining leases, permits, and licenses under the act of February 25, 1920 (41 Stat. 437), which paragraph was amended February 15, 1922 (Circular No. 809--48 L. D. 439), and March 13, 1924 (Circular No. 922--50 L. D. 320), is hereby amended to read as follows:

8. Minimum development.--An actual bona fide expenditure for mine operation, development, or improvement purposes of the amount determined by the Secretary and stated in the lease offer hereinafter referred to is adopted as the minimum basis for granting leases, with the requirement that not less than one-third of the required investment shall be expended in development of the mine during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years.

If the investment to be made is fixed at more than \$10,000, the lessee shall furnish a bond, with approved corporate surety, conditioned upon compliance with the investment requirement and with the other terms of the lease. After the required investment has been made, a bond in the sum of \$5,000, with approved corporate surety, conditioned upon compliance with the terms of the lease, may be substituted for the \$10,000 bond.

In case of lease of a small area, where the investment to be made is \$10,000 or less, the lessee shall furnish a bond, with approved corporate surety or with two qualified individual sureties, to cover both the investment and compliance with the other terms of the lease, such bond to be in half the amount of the investment to be made but in no case less than \$1,000.

(over)

With bonds signed by individual sureties must be filed affidavits of justification by the sureties that each is worth, in real property not exempt from execution, double the sum specified in the undertaking, over and above his just debts and liabilities.

With such bonds must also be furnished a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster, as to the identity, signatures, and financial competency of the sureties. All bonds will be examined from time to time as to their sufficiency, and additional security will be required whenever deemed necessary.

Paragraph 22 of said regulations, which paragraph was amended March 13, 1924 (Circular 922--50 L. D. 320), is hereby amended to read as follows:

(g) The applicant must furnish a bond with qualified corporate surety or with two qualified individual sureties (with evidence of qualification as provided in paragraph 8), the bond to be in the sum of \$500 and conditioned upon compliance with the terms of the permit and against failure of the permittee to use reasonable precaution to prevent damage to the coal deposits or to leave the premises in a safe condition upon the termination of the permit. Bond in the sum of \$1,500 will be required where the permit embraces land entered or patented with the coal reserved under the act of June 22, 1910 (36 Stat. 583), or where any part of the land is within a reclamation project. The bond may be filed with the application, which will expedite action thereon, or within 30 days after receipt of notice by the applicant that the permit will be granted when the bond is filed.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: June 11, 1929.

JOHN H. EDWARDS,

Assistant Secretary.

Circular No. 1195.

WITNESSES' JURAT ON FORMS 4-003 AND 4-003a TO BE MODIFIED.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 22, 1929.

Registers,

U. S. Land Offices.

Gentlemen:

My attention has been called to a defect in the witnesses' jurat on Forms 4-003 and 4-003a, applications for original and additional entry under the enlarged homestead laws, in that it does not show that the witnesses were sworn by the official before whom they appeared.

The witnesses as well as the principals must subscribe and be sworn to their affidavits by the officer before whom they are appearing, in connection with all such applications, and therefore it will be necessary to insert the words "and sworn" between the fourth and fifth words of line 5 of the witnesses' jurat on Form 4-003 and on Form 4-003a, until the supply on hand is exhausted.

You will notify all officers in your district qualified to act on such applications to make necessary modifications on said forms.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: June 22, 1929.

JOHN H. EDWARDS,

Assistant Secretary.

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